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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KELLY PINN, an individual, on her own
behalf and on behalf of all others similarly
situated,

Plaintiffs,

v.

CONSUMER CREDIT COUNSELING
FOUNDATION, INC., NATIONAL
BUDGET PLANNERS OF SOUTH
FLORIDA, INC., Florida corporations, and
ISHWINDER JUDGE, an individual, and
DOES 1-10, inclusive,

Defendants.

**REDACTED EXCERPT OF
VIDEOCONFERENCE DEPOSITION OF
PORUS ENGINEER**

No. 4:22-cv-04048-DMR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KELLY PINN, an Individual, on
her Own Behalf and on Behalf of
Others Similarly Situated,
Plaintiff,

v.

Claim No.

CONSUMER CREDIT CONSULTING

4:22cv-04048-DMR

FOUNDATION INC., NATIONAL BUDGET
PLANNERS OF SOUTH FLORIDA, INC.,
Florida Corporations, and
ISHWINDER JUDGE, an Individual,
and DOES 1-10, Inclusive,
Defendants.

VIDEOCONFERENCE DEPOSITION OF PORUS ENGINEER

DATE: Friday, July 12, 2024

TIME: 10:17 a.m.

LOCATION: Remote Proceeding

350 Sonic Avenue

Livermore, CA 94551

OFFICIATED BY: Fernando Padilla

JOB NO.: 6788338

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<p>1 we could do for this client, and that is based upon a 2 predetermined numbers that we have with the creditors, 3 because creditors work with us. We are partners. 4 They're partners with nonprofit credit counseling 5 agencies like us.</p> <p>6 So give you an example, like, with Chase, just 7 as an example, if the client has a Chase account, and 8 they are paying 23 percent on their credit card, by 9 being on the debt-management program, Chase would lower 10 that to around 6 percent, depending on a tier, again, 11 based on their financial analysis that we do, as to what 12 kind of a drop in interest rates the creditor will offer 13 this client.</p> <p>14 So we do -- we take in each creditor, and 15 based on each creditor, we tell the client, "Okay. 16 Based on this, you will be able to save this much money, 17 because it looks like you are -- from the budget 18 picture, that you are negative X amount." So first, 19 we'll recommend them to cut expenses to make sure that 20 the budget comes in line so that they can make the 21 credit card payments.</p> <p>22 So a lot of stock goes into what expenses the 23 client should be cutting. And the first things we look 24 at is discretionary, because fixed and variable is 25 second and the third. So we look at the discretionary,</p> <p style="text-align: right;">Page 14</p>	<p>1 And then after the payments, what we 2 continuously do with this client is engage with them on 3 the educational component of it, which is why did the 4 client in the first place get into debt? What were the 5 root causes of it? And then our counselors will, on a 6 monthly basis, reach out to these clients and do a lot 7 of education.</p> <p>8 We do -- we have a outreach component of our 9 business where, in our local neighbor -- local 10 community, people will refer clients over to us. 11 Mortgage people who, their clients will buy a house and 12 they cannot afford it because they have credit card 13 debt, they have to first pay down that debt.</p> <p>14 So those clients get referred to us. 15 Creditors would refer clients to us because they cannot 16 do this holistic counseling that we do and to help the 17 client. So if a client calls a creditor to -- since 18 they're not able to make the payment, the creditor will 19 actually tell them to reach out to a certified credit 20 counseling agency like us.</p> <p>21 And then we would then counsel this client, go 22 through this entire budget sheet, and all of this 23 information be submitted to the creditor. So the 24 creditor evaluates it based on our credit counselor's 25 budget sheet and how we have come up with this financial</p> <p style="text-align: right;">Page 16</p>
<p>1 where they're spending. Are they spending too much? 2 Are their habits, spending habits, out of ratios?</p> <p>3 And then based on that, we, we come up with, 4 if their credit card payment is affordable, we will then 5 tell them that, "Hey, by being on the debt-management 6 program, you can afford to pay this much amount."</p> <p>7 And then every single month, then we go into 8 the payments aspect on how the program will work, where 9 every month the client makes that payment to us. So 10 let's say that the client has Chase, Bank of America, 11 and Citi, and they will make one payment, and that one 12 payment will come into our trust account.</p> <p>13 And then we will take that payment and 14 disperse that payment out to all -- all the three 15 creditors, which is Chase, Citi, and Bank of America. 16 And then every single month, that continues. These 17 programs are based on a 60-month term, so the client has 18 to pay the entire debt off in 60 months. It's a 19 creditor guideline.</p> <p>20 And so that starts depending on when the 21 client wishes to start, when their due dates are. So we 22 will take all that information, and then it goes into 23 the payments aspect. So talked about the counseling 24 aspect. From the counseling aspect, then it goes into 25 the payments.</p> <p style="text-align: right;">Page 15</p>	<p>1 picture for them, and why is it that this client 2 qualifies for this program.</p> <p>3 In some cases, the client -- so we -- so the 4 counseling aspect is part of the operations. So the 5 payments component is part of the operations, and yeah. 6 So all of that is what operations is. And I help out 7 with the day-to-day operations. They have managers 8 under us. We have a small team, and that's what 9 operations is.</p> <p>10 Q Okay. I have some follow up questions, but I 11 think I want to focus on you right now. When you say 12 you run operations, and I hear that there's, you know, a 13 counseling bucket, a payment bucket, and an education 14 bucket. What is your personal involvement in 15 counseling?</p> <p>16 A I oversee all aspects of that. I mean all the 17 three buckets. There are individual managers that are 18 responsible for the individual, but overall, it -- I'm 19 responsible for the day-to-day daily operations. All 20 the issues would come to me.</p> <p>21 Q So other than things that are escalated to you 22 by the managers, what do you do with respect to 23 counseling?</p> <p>24 A Like, actually do the counseling? I did not 25 understand the question.</p> <p style="text-align: right;">Page 17</p>

<p>1 Q Well, I don't know that you would actually do 2 the counseling, but I guess I'm trying to understand 3 what it is you do, beyond handling matters that are 4 escalated to you by the managers. 5 A Sure. So you asked about the operations, but 6 that's essentially the operations. But now, in terms of 7 my role, we are a ISO 9001 certified organization. We 8 have to be. It's part of a requirement, and what has to 9 happen is we have these policies and procedures, and 10 then we have annual audits. 11 It's a third-party, independent audit 12 that -- that happens. And throughout the year, we kind 13 of take every aspect of our organization and we have to 14 audit it. So that's a big part of my role. And all of 15 those components entail those buckets that I mentioned. 16 So you kind of audit those counseling. 17 You are kind of auditing the payments. You're 18 kind of auditing -- overseeing the outreach counseling. 19 You're kind of -- I'm responsible for making sure that 20 all of that is included into the internal audits that we 21 do for ISO. 22 Q Okay. I want to make sure I got that right. 23 The ISO 9001? 24 A That is correct. 25 Q Certification?</p> <p style="text-align: right;">Page 18</p>	<p>1 So we have our -- the way the clients come 2 in -- so most of our people, most of our clients, you 3 know, would find us either through a referral or either 4 through our website, so I manage that as well. 5 Q Okay. So you manage referrals, the referral 6 network as well? 7 A Yes. 8 Q Does that include telemarketing? 9 A "Telemark"? What is telemarketing? 10 Q People making calls. 11 A We don't do that. We do not do any of that. 12 Q All right. Do you hire telemarketers? 13 A No, we do not. 14 Q So no one makes calls for CCCF? 15 A So our referral partners, they would be doing 16 the marketing or whatever they do, and they refer 17 clients to us. 18 Q Do any of those referral partners make 19 telephone calls to prospective customers? 20 A I would think so. 21 Q Okay. 22 MR. WIENER: Mr. Engineer, do not 23 speculate. If you don't know for sure, don't venture a 24 guess unless you're asked to do so. 25 THE WITNESS: Okay.</p> <p style="text-align: right;">Page 20</p>
<p>1 A Yes, sir. 2 Q Okay. And who is the auditor? 3 A It's B-S-I. 4 Q B-S-I. What does that stand for? 5 A British Standards International. It's 6 actually said as "International Standards," but it's 7 British Standards -- British Standards International, I 8 think. So they are the organization that actually 9 certifies organizations for ISO. 10 Q And so BSI actually, I guess, comes to CCCF 11 and audits CCCF's operations? 12 A That is correct. 13 Q Okay. So beyond handling escalated matters 14 and the ISO certification, what else do you spend your 15 time doing while working at CCCF? 16 A What else do I do other than operations, ISO, 17 day-to-day escalations? We also have to monitor -- we 18 are part of -- again, but that also comes under the ISO 19 umbrella and what I have to do for auditing. There are 20 certain metrics that we have to do for ISO. 21 So we are kind of overseeing, or I'm 22 overseeing some metrics on, you know, calls, and how 23 many calls we got, and are the calls being answered. 24 Although, what else am I missing? Well, I also set up 25 our referral partnerships.</p> <p style="text-align: right;">Page 19</p>	<p>1 BY MR. PRESTON: 2 Q Who do you report to? 3 A I report to the board. 4 Q And who's on the board? 5 A There is a president, and there are three 6 other gentlemen. But mostly -- 7 Q Can you name who's the -- 8 A Ishwinder Judge. 9 Q Okay. Who reports to you? 10 A So I mentioned about those three buckets. So 11 whoever -- we have a person who manages our ISO, which 12 is a quality manager. We have a counseling team, a 13 payments team. They all report to me. 14 Q Okay. Who's in charge of the counseling team? 15 A Reggie -- Reginald Sternberg. 16 Q Okay. Who's in charge of payments? 17 A It's -- it's all comes under Reginald. 18 He -- he kind of oversees payments as well. Then we 19 have the quality -- sorry? 20 Q Okay. Yeah. You're answering what I was 21 going to ask. 22 A I'm sorry? 23 Q The quality manager. 24 A Yeah. That one is -- is Jaime Wong 25 Q When a customer does not qualify for a</p> <p style="text-align: right;">Page 21</p>

<p>1 Q Okay. I'd like to see if you can share your 2 screen, in case we need to do that.</p> <p>3 A You want me to click on it?</p> <p>4 Q Yep, I do.</p> <p>5 A Can you see it?</p> <p>6 Q No. I'm going to put in a URL into the chat. 7 Hopefully everybody can see the chat. There is a drive 8 there. I want to make sure everybody can access those 9 exhibits.</p> <p>10 A It went, took me to a screen, and system audio 11 recording, privacy, and security. Did you say I have to 12 go into the chat?</p> <p>13 Q Yeah. Do me a favor and go into the chat. I 14 put a link there. I also sent it to Mr. Wiener.</p> <p>15 MR. WIENER: Are you able to send link 16 via email? I just, I was logging on via --</p> <p>17 MR. PRESTON: I did.</p> <p>18 MR. WIENER: All right.</p> <p>19 MR. PRESTON: I did.</p> <p>20 MR. WIENER: Great. Thank you.</p> <p>21 MR. PRESTON: I don't want to email your 22 client, but the idea is that he would download exhibits 23 from that Google Drive.</p> <p>24 MR. WIENER: All right. You have Porus's 25 email address already, I believe.</p> <p style="text-align: right;">Page 26</p>	<p>1 MR. PRESTON: Okay.</p> <p>2 MR. WIENER: And just so you know, I 3 don't know if you have a setting on it, but I'm not able 4 to download the document.</p> <p>5 THE WITNESS: I could not -- I could not 6 do it either. I just clicked on the chat link.</p> <p>7 MR. PRESTON: Try now. Can we go off the 8 record? I want to make sure we iron this stuff out.</p> <p>9 THE OFFICER: Sure. We are now off the 10 record at 10:56 a.m.</p> <p>11 (Off the record.)</p> <p>12 THE OFFICER: We are now back on the 13 record at 11:01 a.m.</p> <p>14 BY MR. PRESTON:</p> <p>15 Q All right. So if you can look, this is 16 Exhibit 1, we're going to call it. If you can look at 17 page three, the last paragraph on that page, "Plaintiff 18 has granted leave to take a Federal Rule of Civil 19 Procedure 30(b)(6) deposition of the CCCF defendants 20 regarding their document and information systems, their 21 search and production for responsive documents, and 22 information and discovery, and whether spoliation of 23 evidence has occurred."</p> <p>24 (Exhibit 1 was marked for 25 identification.)</p> <p style="text-align: right;">Page 28</p>
<p>1 MR. PRESTON: Probably, somewhere. If 2 you give me permission to send the email, I will do 3 that.</p> <p>4 MR. WIENER: Sure. I can send him the 5 same link you just sent to me if it's --</p> <p>6 MR. PRESTON: Okay. I'd prefer that.</p> <p>7 MR. WIENER: Okay. All right. Porus, I 8 just sent it to you, if you can confirm you got it. 9 It's a Google Drive link.</p> <p>10 THE WITNESS: I think I am clicking on 11 the --</p> <p>12 MR. WIENER: And it looks like it's only 13 one document. The Exhibit 1 is --</p> <p>14 MR. PRESTON: Yeah, I'm going to add more 15 stuff as we go. I just don't know what order I'm going 16 to go in.</p> <p>17 MR. WIENER: All right. Porus, you 18 already have it. Exhibit 1 is -- I'm not sure you have 19 it on your computer, but it's the "Order on Joint 20 Discovery Letter," document number 114.</p> <p>21 THE WITNESS: The one I clicked from 22 the -- yeah, it's the joint discovery. Yes, I have it.</p> <p>23 MR. PRESTON: Okay. Good. And so you're 24 able to access the drive, and I can upload more stuff?</p> <p>25 THE WITNESS: Yes.</p> <p style="text-align: right;">Page 27</p>	<p>1 A Where? Which one? I'm -- I -- which page are 2 you on?</p> <p>3 Q Page 3, Line 15.</p> <p>4 A Page 3. Okay. Go ahead.</p> <p>5 Q So have you seen this document before?</p> <p>6 A Yes.</p> <p>7 Q Okay. Do you understand what the order says?</p> <p>8 A This is Line 15. You want me to read it?</p> <p>9 Q No, I don't. I don't think you -- I read it. 10 I don't think you need to read it. I just, I wanted to 11 ask you if you understand what it means.</p> <p>12 A Hold on. Let me read. Okay. Yes.</p> <p>13 Q So you understand that you were designated to 14 testify on behalf of Consumer Credit Counseling 15 Foundation, National Budget Planners, and Tony Judge; 16 correct?</p> <p>17 A Correct.</p> <p>18 Q Okay. And you are the director for CCCF; 19 correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. What is your relationship with National 22 Budget Planners?</p> <p>23 A No relationship.</p> <p>24 Q Did you ever have a relationship?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 29</p>

<p>1 Q What was that relationship?</p> <p>2 A I -- I used to be employed with National</p> <p>3 Budget Planners.</p> <p>4 Q Who was the president of National Budget</p> <p>5 Planners?</p> <p>6 A Boy. At that time, I believe the name Sanjeev</p> <p>7 Kanwar.</p> <p>8 Q Okay. What's your relationship with Tony</p> <p>9 Judge?</p> <p>10 A My relationship?</p> <p>11 Q Yes.</p> <p>12 A I have no relationship. I'm an employee.</p> <p>13 Q So he's your employer?</p> <p>14 A Yes.</p> <p>15 MR. WIENER: Hold on. Mr. Engineer, I</p> <p>16 just want you to verify that you understand that</p> <p>17 question correctly.</p> <p>18 THE WITNESS: If he -- I -- I -- can you</p> <p>19 repeat that?</p> <p>20 BY MR. PRESTON:</p> <p>21 Q Mr. Judge is your employer?</p> <p>22 A Consumer Credit Counseling Foundation is my</p> <p>23 employer.</p> <p>24 Q What was the relationship between CCCF and</p> <p>25 National Budget Planners?</p> <p style="text-align: right;">Page 30</p>	<p>1 Q What did you do? What did CCCF do to collect</p> <p>2 documents for this case in May 2023? Generally, what</p> <p>3 had it done?</p> <p>4 A What did we do in May of 2023? I</p> <p>5 would -- that's --</p> <p>6 Q Well let me clarify. Let's back up. What had</p> <p>7 CCCF done by May 2023, so up through May 2023?</p> <p>8 A Boy. So what we did in 2022, and what we did</p> <p>9 in 2023?</p> <p>10 Q Yeah.</p> <p>11 A Wow. I wish my memory was that good, but I</p> <p>12 will try. I quite can -- I don't know what specifically</p> <p>13 we did in 2022 and 2023, but I know that we are a small,</p> <p>14 nonprofit organization, so we did our best</p> <p>15 to -- whatever the request was that came in, we did our</p> <p>16 best to fulfill those requests.</p> <p>17 Q Can you do me a favor? I just want to get a</p> <p>18 sense of the room that you're in. Can you pick up your</p> <p>19 laptop, hold it out from you, and then just, kind of,</p> <p>20 take a spin around so I can kind of see the size of the</p> <p>21 room that you're in? Okay. About how many square feet</p> <p>22 would you estimate is the office that you're in now?</p> <p>23 A I would have no idea. This office?</p> <p>24 Q Let me reframe that. Yeah. How many</p> <p>25 employees does CCCF have?</p> <p style="text-align: right;">Page 32</p>
<p>1 MR. WIENER: Objection. Vague as to</p> <p>2 time.</p> <p>3 A Sorry?</p> <p>4 Q What was the relationship between CCCF and</p> <p>5 National Budget Planners in 2022 and 2023?</p> <p>6 A No relationship.</p> <p>7 Q So you -- all right. This is an opportunity.</p> <p>8 This is a case where there's been a lot of effort to get</p> <p>9 documents from CCCF and, I guess, National Budget</p> <p>10 Planners, and I want to, sort of, understand your</p> <p>11 position on these matters. And there's been a number of</p> <p>12 productions in this case.</p> <p>13 But let's kind of go back. I think it's a</p> <p>14 good place to start in May 2023. What did you guys do</p> <p>15 to collect documents?</p> <p>16 MR. WIENER: Objection. Overbroad.</p> <p>17 BY MR. PRESTON:</p> <p>18 Q Mr. Engineer, are you reading something?</p> <p>19 A No.</p> <p>20 Q Can I ask what you're looking at?</p> <p>21 A I'm looking at you, on your -- on your</p> <p>22 picture.</p> <p>23 Q Okay. Did you hear my question?</p> <p>24 A I -- I did not even understand. You said</p> <p>25 what? What was the question?</p> <p style="text-align: right;">Page 31</p>	<p>1 A Nine.</p> <p>2 Q Do do you have a sense of approximately what</p> <p>3 its budget is? Like, what is its income?</p> <p>4 A I wouldn't just know something like this</p> <p>5 off -- offhand. I mean, I would have to look at some</p> <p>6 documents to answer that question.</p> <p>7 Q Okay. Do you recall where CCF had searched by</p> <p>8 May 2023?</p> <p>9 A I believe we searched -- the request was</p> <p>10 for -- to search for our emails, so we did that, and we</p> <p>11 submitted all our search results of what -- what we</p> <p>12 found.</p> <p>13 Q Okay. So you guys had searched your emails.</p> <p>14 Do you recall who told you it was -- you were supposed</p> <p>15 to search your emails?</p> <p>16 A Who told us?</p> <p>17 Q Uh-huh.</p> <p>18 A Well, I think it was -- I -- we -- I don't</p> <p>19 know who told us. I don't know the answer to that</p> <p>20 question, but Seth -- and Seth is working with us, so we</p> <p>21 just follow Seth's direction.</p> <p>22 Q Okay. Did you search anywhere else besides</p> <p>23 the emails?</p> <p>24 A Yes. I searched, I believe, my computer, and</p> <p>25 also, I believe -- I don't know when, but at some point</p> <p style="text-align: right;">Page 33</p>

<p>1 we did search even Ishwinder Judge's computer.</p> <p>2 Q Okay. Did you take any steps to confirm that</p> <p>3 the search was complete?</p> <p>4 A What would those steps be? I mean, we just</p> <p>5 search, and whatever shows up is what shows up. What</p> <p>6 step would that be? I don't know.</p> <p>7 Q Okay. Okay. Well, what I mean to say is, did</p> <p>8 you ever do anything to confirm that there were no</p> <p>9 documents missing? Had you done that by July 2023?</p> <p>10 A Well, the -- I don't think there's a</p> <p>11 particular button that you click to confirm that you did</p> <p>12 everything. We just searched for particular names, and</p> <p>13 whatever showed -- came in is what came in, and then we</p> <p>14 submitted all of that information.</p> <p>15 Q Okay. I'm uploading a new document. This is</p> <p>16 the most recent response to the discovery served in this</p> <p>17 case by Plaintiff. If you could, do you recognize this</p> <p>18 document?</p> <p>19 A The one I have open, the joint discovery?</p> <p>20 Q No, it's a new document. If you could take a</p> <p>21 look at the Google Drive. This is Exhibit 2. We're</p> <p>22 moving on to a different exhibit.</p> <p>23 (Exhibit 2 was marked for</p> <p>24 identification.)</p> <p>25 A One second.</p> <p style="text-align: right;">Page 34</p>	<p>1 A By "responses," you mean on the 26, Line 26?</p> <p>2 Q This document, did you -- Exhibit 2. Were you</p> <p>3 involved in writing the responses in Exhibit 2?</p> <p>4 A Exhibit 2? When you say "Exhibit 2," it's</p> <p>5 Line 26; correct?</p> <p>6 Q I mean the whole PDF.</p> <p>7 A Oh, no.</p> <p>8 Q Okay. So you didn't write this?</p> <p>9 A No.</p> <p>10 Q Do you know if anybody at CCCF did?</p> <p>11 A Again, you are saying that the -- on the line</p> <p>12 item I'm reading is, "Defendants object to this request</p> <p>13 on the grounds that" --</p> <p>14 Q No, sir. I'm talking -- I'm sorry. I'm</p> <p>15 sorry. I'm talking about the entire document. Okay?</p> <p>16 A Yeah, the -- again, I just -- the entire</p> <p>17 document is "CCCF Defendant's Second Amended Response</p> <p>18 Production of Documents PDF," which has, "The United</p> <p>19 States Court." This entire document?</p> <p>20 Q Yes. My question is whether or not anybody at</p> <p>21 CCCF was involved in writing this document, or preparing</p> <p>22 it?</p> <p>23 A No.</p> <p>24 Q Okay. Let's go look at the response to</p> <p>25 Document number 3. So that is page 3, Line 8.</p> <p style="text-align: right;">Page 36</p>
<p>1 MR. PRESTON: Let's go off the record, so</p> <p>2 you have an opportunity to kind of look this over. Make</p> <p>3 sure you get it and look it over.</p> <p>4 THE OFFICER: Okay. We are now off the</p> <p>5 record.</p> <p>6 MR. PRESTON: Is that all right?</p> <p>7 THE OFFICER: We're off the record at</p> <p>8 11:13 a.m.</p> <p>9 (Off the record.)</p> <p>10 THE OFFICER: We're now back on the</p> <p>11 record at 11:17 a.m.</p> <p>12 BY MR. PRESTON:</p> <p>13 Q Okay. Do you recognize this document? Have</p> <p>14 you seen this before?</p> <p>15 A This -- the entire document?</p> <p>16 Q This is the -- yeah. This is the "Defendant's</p> <p>17 Second Amended Responses to the Plaintiff's Document</p> <p>18 Requests."</p> <p>19 A Okay.</p> <p>20 Q You do recognize it?</p> <p>21 A Well, it's just so far back, but I don't. I'm</p> <p>22 sure Seth has gone over this with me at some point.</p> <p>23 Q Okay. Take a look at Requests 2 and 3 in</p> <p>24 particular. Were these your words? Were you involved</p> <p>25 in writing these responses?</p> <p style="text-align: right;">Page 35</p>	<p>1 A Okay. I'm there.</p> <p>2 Q Was this response complete and correct at the</p> <p>3 time it was signed?</p> <p>4 A I don't know.</p> <p>5 Q Okay. Do you know when it was signed?</p> <p>6 A Sorry, I don't remember.</p> <p>7 Q Okay. All right. So I want to get another</p> <p>8 document uploaded. So we're moving on to a new</p> <p>9 document. It's Document number 3. All right. Can you</p> <p>10 look at -- it should be uploaded and accessible now.</p> <p>11 Can you see Document number 3?</p> <p>12 (Exhibit 3 was marked for</p> <p>13 identification.)</p> <p>14 A Not yet.</p> <p>15 MR. PRESTON: Why don't we --</p> <p>16 THE OFFICER: Should we go off the</p> <p>17 record? Should we go off the record?</p> <p>18 MR. PRESTON: Yeah.</p> <p>19 THE OFFICER: Okay.</p> <p>20 MR. WIENER: I actually think that we</p> <p>21 should be staying on the record. To me, that's part of</p> <p>22 the deposition time, if he has to go through numerous</p> <p>23 documents.</p> <p>24 MR. PRESTON: He's taking about 30</p> <p>25 seconds to answer each question, Seth.</p> <p style="text-align: right;">Page 37</p>

<p>1 MR. WIENER: I'm not sure how to -- I</p> <p>2 mean, do you consider it long or short or --</p> <p>3 BY MR. PRESTON:</p> <p>4 Q Can you look at page 5?</p> <p>5 A Okay. I am on page 5.</p> <p>6 MR. PRESTON: Okay, let's go back on the</p> <p>7 record.</p> <p>8 THE OFFICER: Okay. We're on the record</p> <p>9 at 11:23 a.m.</p> <p>10 BY MR. PRESTON:</p> <p>11 Q Okay. On page 5, this is ECF number 64, and</p> <p>12 Exhibit 3 to this deposition. On page 5, there's a</p> <p>13 representation about what you would testify to. Do you</p> <p>14 see what I'm talking about?</p> <p>15 A No. Which? Where? What -- what am</p> <p>16 I -- which? Where should I be reading?</p> <p>17 Q So there's a bullet point that says --</p> <p>18 A "RPD 22."</p> <p>19 Q Yeah. Okay. So below that is a paragraph.</p> <p>20 At the end of that paragraph, it says, "Mr. Engineer</p> <p>21 will testify as follows."</p> <p>22 A Yes, I read that.</p> <p>23 Q Okay. There is a paragraph below. Do you</p> <p>24 recognize this language?</p> <p>25 A "CCCF received referral calls via a</p> <p style="text-align: right;">Page 38</p>	<p>1 you do swear to the truth of these three inset</p> <p>2 paragraphs on page 5 of the Exhibit 3 here, this ECF</p> <p>3 number 64?</p> <p>4 A Yes.</p> <p>5 Q Okay. It says, "CCF [sic] received referral</p> <p>6 calls via a live-transfer call from DMS." How did you</p> <p>7 guys receive these calls? Was it just a straight, plain</p> <p>8 old telephone system call?</p> <p>9 A Yes.</p> <p>10 Q Was any other data given to CCCF besides the</p> <p>11 voice recording or the voice call, voice connection?</p> <p>12 A What -- can you explain more on what you mean</p> <p>13 by -- what other data would that be? It was just a</p> <p>14 call.</p> <p>15 Q Okay. So some VoIP systems will transfer over</p> <p>16 additional information, demographic information, during</p> <p>17 a transfer.</p> <p>18 A No. No. No.</p> <p>19 Q Okay. Then it says, the second paragraph,</p> <p>20 "DMS had its own portal for all clients that were sent</p> <p>21 by DMS to CCCF;" is that correct?</p> <p>22 A Correct.</p> <p>23 Q Okay. How do you know that DMS has a portal?</p> <p>24 A Several times, they would -- they would send</p> <p>25 us a link to access their portal with information.</p> <p style="text-align: right;">Page 40</p>
<p>1 live-transfer call from DMS." That's the line?</p> <p>2 Q Yeah. That entire inset text, and I guess</p> <p>3 it's three paragraphs, inset paragraphs, is that all</p> <p>4 true and correct?</p> <p>5 A Let me just read it. Yes. After you're done</p> <p>6 asking, if you don't mind, I would like to take a</p> <p>7 ten-minute break to just hit the restroom.</p> <p>8 Q Sure, that's fine.</p> <p>9 A Just let me know when. I mean, if you're in</p> <p>10 the middle, I don't want to --</p> <p>11 MR. PRESTON: Let's go off the record</p> <p>12 now.</p> <p>13 THE WITNESS: Oh, okay. I'll be back.</p> <p>14 THE OFFICER: Okay. We are now off the</p> <p>15 record at 11:26 a.m.</p> <p>16 (Off the record.)</p> <p>17 THE OFFICER: And we are now back on the</p> <p>18 record at 11:33 a.m.</p> <p>19 BY MR. PRESTON:</p> <p>20 Q All right. So let's look at page 5 of Exhibit</p> <p>21 3, which is another joint discovery letter dated May</p> <p>22 26th, 2003 [sic]. And that first inset paragraph</p> <p>23 says -- first off, let me back up. It says,</p> <p>24 "Mr. Engineer will testify as follows." I just want to</p> <p>25 make sure that you're willing to swear to the truth, or</p> <p style="text-align: right;">Page 39</p>	<p>1 Q Would they do that on request?</p> <p>2 A I quite don't remember how they would do it or</p> <p>3 when they would do it, because it was such a long time</p> <p>4 back, but I remember that they would -- they -- the --</p> <p>5 the reason they had it, because they would -- everything</p> <p>6 was -- the calls came from them, so they were</p> <p>7 maintaining them.</p> <p>8 Q Okay. So they could provide you access to the</p> <p>9 portal? DMS could provide you access to their portal?</p> <p>10 A Correct.</p> <p>11 Q Okay. Does CCF [sic] have access to any other</p> <p>12 portal at DMS?</p> <p>13 A Any other portal? No. This was just -- well,</p> <p>14 whatever they would send us, it would be, like, an -- by</p> <p>15 portal. It would be an Excel sheet or what our</p> <p>16 system -- DMS used. I don't quite remember what it is,</p> <p>17 but that -- that would be the only way we would get</p> <p>18 access to.</p> <p>19 Q So you have in the past accessed DMS's portal</p> <p>20 via links that DMS sent you?</p> <p>21 A I -- I -- it's -- I believe so, yes.</p> <p>22 Q Okay. Do you remember who sent you those</p> <p>23 links?</p> <p>24 A It -- there were several of them. It could</p> <p>25 be -- I -- I quite don't remember who particularly would</p> <p style="text-align: right;">Page 41</p>

<p>1 send it, but it would be from them.</p> <p>2 Q From DMS?</p> <p>3 A Correct.</p> <p>4 Q Okay. It says here that DMS's portal</p> <p>5 generated spreadsheets; is that correct?</p> <p>6 A I think the portal was kind of a spreadsheet.</p> <p>7 If they called it "portal" or whatever it is, it is the</p> <p>8 same thing, I think.</p> <p>9 Q Well, a portal is something you access with a</p> <p>10 browser. A spreadsheet is something you access with</p> <p>11 Microsoft Excel or something similar. Did you ever see</p> <p>12 spreadsheets generated by DMS'S portal?</p> <p>13 A I -- it is such a long time back. I quite</p> <p>14 don't know if it is a -- it -- I think it was an</p> <p>15 Excel-type spreadsheet that DMS would -- DMS would send.</p> <p>16 Q Okay. I'm going to upload three other</p> <p>17 documents. All right. So there's a Exhibit 5 and an</p> <p>18 Exhibit 6.</p> <p>19 A I am on 4.</p> <p>20 Q Yeah, skip 4. Go to 5.</p> <p>21 A I quite have not gotten 5 yet. Okay. I am on</p> <p>22 5.</p> <p>23 Q Okay. So the last page of 5, the</p> <p>24 court -- Exhibit 5 is ECF 86. It is a court order and</p> <p>25 it requires the filing of a sworn declaration regarding</p> <p style="text-align: right;">Page 42</p>	<p>1 Q Okay. There's a Hotmail account, Shiv Johar,</p> <p>2 A Yes.</p> <p>3 Q Do you recognize that email account?</p> <p>4 A Yes.</p> <p>5 Q Who is that?</p> <p>6 A He was somebody that worked with DMS.</p> <p>7 Q Was he a DMS employee?</p> <p>8 A I would have no idea.</p> <p>9 Q Okay. What did he do for DMS?</p> <p>10 A I would have no idea, but he worked with them.</p> <p>11 He used to -- he know -- he knew them, and he had some</p> <p>12 way that he was linked with them. I don't know what,</p> <p>13 how, or what relationship.</p> <p>14 Q Okay. How long have you known -- what's his</p> <p>15 name?</p> <p>16 A Shiv Johar.</p> <p>17 Q Shiv Johar. How long have you known</p> <p>18 Mr. Johar?</p> <p>19 A How long have I known him? Probably from the</p> <p>20 time that we engaged with -- he's the one who engaged</p> <p>21 DMS, so from the time that we knew DMS, I would think.</p> <p>22 Q So. Did DMS introduce you to Mr. Johar?</p> <p>23 A I don't remember if they -- if DMS introduced</p> <p>24 him or he introduced DMS. I -- I don't quite know, but</p> <p>25 he was from DMS.</p> <p style="text-align: right;">Page 44</p>
<p>1 the defendants' production of documents. Do you</p> <p>2 recognize this document?</p> <p>3 (Exhibit 5 was marked for</p> <p>4 identification.)</p> <p>5 A Let me just read it. Yes.</p> <p>6 Q Okay. When did you see it first?</p> <p>7 A I quite don't remember when. I would have no</p> <p>8 idea when. I mean, it's too broad.</p> <p>9 Q All right. Let's go to -- I'm going to upload</p> <p>10 another document, but quickly look at Exhibit 6, which</p> <p>11 is a declaration from Microsoft Corporation in</p> <p>12 response --</p> <p>13 (Exhibit 6 was marked for</p> <p>14 identification.)</p> <p>15 A Open up Exhibit 6?</p> <p>16 MR. WIENER: I believe that's Exhibit 7.</p> <p>17 Or no, Exhibit 6 is from Microsoft. I'm sorry, yeah.</p> <p>18 THE WITNESS: Which one? Six or seven?</p> <p>19 BY MR. PRESTON:</p> <p>20 Q Six.</p> <p>21 A I'm on 6.</p> <p>22 Q Okay. In the Paragraph six, it discusses</p> <p>23 obtaining header information for certain email accounts.</p> <p>24 Do you recognize any of those email accounts?</p> <p>25 A Exhibit 6? Yes. Point 6? Yes.</p> <p style="text-align: right;">Page 43</p>	<p>1 Q Did you have a relationship with Mr. Johar</p> <p>2 outside of DMS?</p> <p>3 A No.</p> <p>4 Q Did you have a relationship with Mr. Johar</p> <p>5 prior to working with DMS?</p> <p>6 A I mean, before DMS?</p> <p>7 Q Yes,</p> <p>8 A He would -- he would be associated with some</p> <p>9 other company in the past, but I don't quite know, quite</p> <p>10 remember if he worked with some other companies like</p> <p>11 DMS. But he was the one that introduced us to or he was</p> <p>12 associated with DMS.</p> <p>13 Q Okay. What did Mr. Johar do for DMS?</p> <p>14 A I would have no idea.</p> <p>15 Q You don't know what Mr. Johar did</p> <p>16 for -- sorry. What did Mr. Johar do for CCCF?</p> <p>17 A Nothing. He had nothing to do with CCCF.</p> <p>18 Q Did he arrange telemarketing? Did he arrange</p> <p>19 transfers to CCCF, transferred calls?</p> <p>20 A He -- no. He only worked with DMS, and DMS is</p> <p>21 the one that did that.</p> <p>22 Q Okay. Let's go to Exhibit 7.</p> <p>23 A Yeah.</p> <p>24 (Exhibit 7 was marked for</p> <p>25 identification.)</p> <p style="text-align: right;">Page 45</p>

<p>1 Q Have you seen this email before?</p> <p>2 A This is last -- I don't remember, but it -- it</p> <p>3 was a year ago, more than a year ago, but --</p> <p>4 Q Okay. So this is an email from myself to</p> <p>5 Mr. Wiener, in which I told him that the email headers</p> <p>6 that Microsoft had produced were in -- some of those</p> <p>7 email headers were missing, or some of the emails that I</p> <p>8 had found where I had email headers from Microsoft were</p> <p>9 not in CCCF's production. Do you see that there's a zip</p> <p>10 file which contained a whole bunch of missing headers?</p> <p>11 A In this email? I don't see it.</p> <p>12 Q No. It's listed as an attachment. I didn't</p> <p>13 include all the emails as an attachment to the PDF. Do</p> <p>14 you recall being told that Plaintiff's counsel had</p> <p>15 identified missing emails in this case?</p> <p>16 MR. WIENER: I'm going to move to strike.</p> <p>17 That clearly invades the attorney-client privilege.</p> <p>18 Also, I'm not going to have the witness answer any</p> <p>19 questions if you're going to show him an incomplete</p> <p>20 email. You can move on to the next question.</p> <p>21 BY MR. PRESTON:</p> <p>22 Q When do you recall learning that Plaintiff's</p> <p>23 counsel in this case had identified missing emails?</p> <p>24 MR. WIENER: Objection. Assumes facts</p> <p>25 not in evidence.</p> <p style="text-align: right;">Page 46</p>	<p>1 (Exhibit 8 was marked for</p> <p>2 identification.)</p> <p>3 A Search for document number 30?</p> <p>4 Q Yes.</p> <p>5 A I quite don't remember who -- who searched for</p> <p>6 this document, number 30, is what the question is?</p> <p>7 Q Yes.</p> <p>8 A I quite don't recollect who did the search,</p> <p>9 but --</p> <p>10 Q It says, "During the period from July 12,</p> <p>11 2018, Ishwinder Judge's sources of compensation have</p> <p>12 been from FJC and RJC, LLC, which own and operate a</p> <p>13 Denny's and a Buffalo Wild Wings franchise restaurant."</p> <p>14 Do you know if this statement is accurate?</p> <p>15 A Yes.</p> <p>16 Q How do you know?</p> <p>17 A Because I -- they -- they do have -- that's</p> <p>18 what Ishwinder Judge -- they have franchise restaurants.</p> <p>19 Q Do they have any other sources of</p> <p>20 compensation?</p> <p>21 A No.</p> <p>22 Q How do you know?</p> <p>23 A They could have. I mean, I'm talking about</p> <p>24 the franchise restaurant is what I know.</p> <p>25 Q All right. All right. So let's look at</p> <p style="text-align: right;">Page 48</p>
<p>1 MR. PRESTON: That's nice.</p> <p>2 BY MR. PRESTON:</p> <p>3 Q You can answer.</p> <p>4 A I'm sorry. What was the question again?</p> <p>5 Q When do you recall learning that the</p> <p>6 plaintiff's counsel in this case had identified emails</p> <p>7 that were missing from the document production that</p> <p>8 Defendants made?</p> <p>9 MR. WIENER: Objection. Assumes facts</p> <p>10 not in evidence. Vague and ambiguous. Irrelevant.</p> <p>11 A Based on my record --</p> <p>12 MR. PRESTON: I don't think the</p> <p>13 court -- okay. I'm going to tell you, Seth, I don't</p> <p>14 think that first court order leaves any doubt about the</p> <p>15 relevance. Proceed as you like.</p> <p>16 MR. WIENER: All right. Withdraw the</p> <p>17 objection. I'm going to maintain the other objections.</p> <p>18 BY MR. PRESTON:</p> <p>19 Q Okay. Let's look at Exhibit 8. The first</p> <p>20 page is a "Third Amended Response to Request for</p> <p>21 Production 30." In the response to Request for</p> <p>22 Production 30, it references a diligent and reasonable</p> <p>23 inquiry with respect to certain financial documents for</p> <p>24 Ishwinder Judge. Do you know who did this search?</p> <p>25 //</p> <p style="text-align: right;">Page 47</p>	<p>1 Exhibit 9. Who drafted this declaration? Do you know?</p> <p>2 (Exhibit 9 was marked for</p> <p>3 identification.)</p> <p>4 A This document?</p> <p>5 Q Yes. Exhibit 9.</p> <p>6 A This whole "United States District"</p> <p>7 Not -- the whole document?</p> <p>8 Q No, the substantive portions, the paragraph on</p> <p>9 page 2. And do you know who drafted this language on</p> <p>10 page 2?</p> <p>11 A I don't remember who drafted it. If -- if</p> <p>12 anything, Seth should. Seth probably would know.</p> <p>13 Q Okay. So Mr. Judge made a declaration on</p> <p>14 behalf of National Budget Planners. What was his</p> <p>15 relationship with National Budget Planners?</p> <p>16 A No relationship, as far as I know.</p> <p>17 Q Okay. How did he have knowledge of the facts</p> <p>18 relevant to National Budget Planners?</p> <p>19 A I have no idea.</p> <p>20 Q What was the difference between National</p> <p>21 Budget Planners' records and CCCF's records? Did they</p> <p>22 keep separate records?</p> <p>23 A It's a completely different company. It has</p> <p>24 nothing got to do with them. I have no idea, so that is</p> <p>25 completely separate.</p> <p style="text-align: right;">Page 49</p>

<p>1 Q So why would Mr. Judge make a declaration for 2 National Budget Planners? 3 A I have no idea. 4 Q Paragraph 3, it says, "NBP implemented a 5 non-deletion policy for electronic mails and other 6 documents." Do you see that? 7 A Page 1? 8 Q Page 2, Paragraph 3 of the declaration. 9 A Yes. 10 Q Okay. How did he do that if he had no 11 relationship with National Budget Planners? 12 A I would not know. 13 Q The next paragraph, Paragraph 4, it says, "The 14 defendants have produced an electronic recording of 15 Pinn's calls with CCCF." Why does NBP have a recording 16 of that call? 17 A I don't know. Which one are you -- what are 18 you talking -- which paragraph are you talking about? 19 Q The last sentence in Paragraph 4. 20 A It says, "Pinn's call with CCCF." That's the 21 one? 22 Q Yes. 23 A And what was the question? 24 Q Why does NBP have a copy of the recording of 25 that telephone call?</p> <p style="text-align: right;">Page 50</p>	<p>1 last sentence of that inset paragraph on Paragraph five, 2 it says, "The security manager will be responsible for 3 this policy." Who is the security manager? 4 A I have -- I would not know. 5 Q Okay. Who enforces these policies? 6 A Most of our policies are all to do with ISO 7 9001. That's how all our policies are tied in to 8 everything, and that's what gets audited. So I wouldn't 9 know who's responsible, but in ISO, we follow -- since 10 we follow a standard ISO protocol of policies and 11 procedures, it's all included as part of that. 12 Q Okay. So NBP and CCCF suspended deletion of 13 documents in July 2022; is that right? 14 A Suspended in July '22? I -- I wouldn't -- I 15 don't recall. I don't know. 16 Q Okay. Look at Paragraph 6, the second 17 sentence. "NBP did encounter certain technological 18 issues relating to the retrieval of its archived 19 emails." What were those technological issues? 20 A I quite don't remember, since it was such a 21 long time back. 22 Q Okay. Let's go on to Exhibit 10. Do you 23 recall drafting this declaration? 24 (Exhibit 10 was marked for 25 identification.)</p> <p style="text-align: right;">Page 52</p>
<p>1 A I would not know. 2 Q So going to the start of Paragraph 4. It 3 talks about NBP's information technology department. 4 Who was that? 5 A Most of the stuff was all me. It was myself. 6 Q Who else was involved? 7 A Nobody else. 8 Q Has anybody else looked for documents for this 9 case besides yourself? 10 A No. 11 Q So Paragraph 5 describes NBP's disaster 12 recovery and security policy that contemplates deletion 13 of emails after 60 days. Do you see that? 14 A Yep. 15 Q Okay. Who created this policy? 16 A I would not know. 17 Q Does it cover all email, or just email with 18 clients? 19 A Does it have all emails or emails with 20 clients? It's too broad. I mean, I -- I wouldn't know. 21 Q Well, email with NBP's clients would just mean 22 people who had agreed to counseling. All email would 23 mean internal email among NBP and anybody else. 24 A I would not know. 25 Q So you don't know if -- well, who is -- the</p> <p style="text-align: right;">Page 51</p>	<p>1 A I have not even opened -- 2 Q I mean the language in it, the Paragraphs 1 3 through 6. 4 A I have it open now. What was the question? 5 Q Looking at the language on page -- this is 6 your declaration. It's ECF number 89, and looking on 7 the second page. 8 A Okay. 9 Q The text there in Paragraphs 1 through 6, do 10 you recall who wrote this language? 11 A Recall who wrote this? It would probably be 12 Seth working with me on this. 13 Q Okay. So in Paragraph 3, it says, 14 "Immediately upon receiving notice of the above 15 captioned lawsuit, CCF [sic] implemented a non-deletion 16 policy." And it looks like the notice was on July 12, 17 2023; is that correct? 18 A It's such a long time. I -- I don't recall, 19 recollect 2022. It's been two years. 20 Q Okay. Sure. So to correct, on Paragraph 2, 21 it talks about this email from Haley Jones-Partilla on 22 July 12, 2023. It should actually be July 12, 2022; 23 correct? 24 A I have no idea. Who is this attorney? 25 Q Sir, this is your declaration.</p> <p style="text-align: right;">Page 53</p>

<p>1 A No.</p> <p>2 THE WITNESS: But who is this, Seth? I</p> <p>3 mean, Seth might know who this is because --</p> <p>4 BY MR. PRESTON:</p> <p>5 Q So she is not your counsel?</p> <p>6 A Haley? Who is this?</p> <p>7 THE WITNESS: Seth, you probably would --</p> <p>8 BY MR. PRESTON:</p> <p>9 Q I don't know. So just to confirm --</p> <p>10 MR. WIENER: I would object. A lot of</p> <p>11 times, they receive automatic notices from attorneys</p> <p>12 shopping for business. So it would make sense that he</p> <p>13 doesn't know it.</p> <p>14 MR. PRESTON: The question about who she</p> <p>15 is, I don't know that I actually asked that.</p> <p>16 THE WITNESS: I thought you asked who</p> <p>17 this attorney is, but I'm sorry. I -- I -- that's why I</p> <p>18 said I don't know.</p> <p>19 BY MR. PRESTON:</p> <p>20 Q Okay. So she is not your counsel? She does</p> <p>21 not represent any of the attorneys -- or sorry, any of</p> <p>22 the defendants in this case?</p> <p>23 THE WITNESS: Seth, do you? I -- I</p> <p>24 don't -- I don't recognize that name, Seth. So maybe</p> <p>25 Seth can look at it. I don't know if somebody else</p> <p style="text-align: right;">Page 54</p>	<p>1 standard policy, so it's -- it's included into that.</p> <p>2 All of our policies and procedures are part of that.</p> <p>3 Q All right. Paragraph 6, the first sentence</p> <p>4 says, "No information relevant to this lawsuit has been</p> <p>5 deleted between July 2022 and the present;" is that</p> <p>6 still correct?</p> <p>7 A Correct.</p> <p>8 Q What about audio recordings?</p> <p>9 A What about audio recordings?</p> <p>10 Q Does CCCF keep its audio recordings which are</p> <p>11 relevant to this lawsuit?</p> <p>12 A Yes. CCCF keeps the audio recordings, but we</p> <p>13 keep it only for a 60-day duration.</p> <p>14 Q Okay. So after 60 days, the audio recordings</p> <p>15 are all deleted?</p> <p>16 A No, no. Nothing is ever deleted. No, no.</p> <p>17 Nothing is deleted. It just rerecords it over it,</p> <p>18 because we are a -- we are a very small, nonprofit</p> <p>19 organization and each -- like I explained to you in your</p> <p>20 first question that you had asked me on operations on</p> <p>21 what the counselor does, each call with these counselors</p> <p>22 that interacts with a potential client is anywhere</p> <p>23 between 120 minutes to 180 minutes. And it's very</p> <p>24 extensive, these -- these calls.</p> <p>25 Q I recall that. I recall that.</p> <p style="text-align: right;">Page 56</p>
<p>1 knows.</p> <p>2 BY MR. PRESTON:</p> <p>3 Q Okay. You don't need to spend any more time</p> <p>4 on that. I just want to ask, did the defendants stop</p> <p>5 deleting things in July 2022 or in April 2022, when</p> <p>6 Ms. Pinn made her complaint?</p> <p>7 A The question is whether we did it in April or</p> <p>8 July? I quite don't recollect which -- when we did it.</p> <p>9 Q Okay. On Paragraph 4, it describes a search</p> <p>10 by CCCF's information technology department. Who is</p> <p>11 that?</p> <p>12 A That would also be me.</p> <p>13 Q Okay. And nobody else?</p> <p>14 A No.</p> <p>15 Q Okay. Paragraph 5 describes a disaster</p> <p>16 recovery and security policy that appears to be the same</p> <p>17 as NBP, and do you know who created that disaster</p> <p>18 recovery and security policy?</p> <p>19 A It's probably created a long time back, so I</p> <p>20 would have no idea.</p> <p>21 Q Okay. Do you know who the security manager is</p> <p>22 referenced in Paragraph 5?</p> <p>23 A No, I don't recollect who it is.</p> <p>24 Q Do you know where this policy is kept?</p> <p>25 A It is part of the ISO 9001 procedure and</p> <p style="text-align: right;">Page 55</p>	<p>1 A I'm trying to --</p> <p>2 Q I'm just asking about the recordings.</p> <p>3 A Yes.</p> <p>4 Q And whether or not they're still available.</p> <p>5 A So every 60 days, these recordings get</p> <p>6 rewritten on our round robin. So it's -- the 60th day</p> <p>7 gets overwritten again and again and again, because</p> <p>8 otherwise, we would have to have terabytes of space to</p> <p>9 store these recordings, so it gets overwritten every 60</p> <p>10 days. If you don't mind, I would request that it's</p> <p>11 12:15. Can I take a lunch break?</p> <p>12 Q Sure.</p> <p>13 A And we can resume at 1:15.</p> <p>14 Q Do you need an hour lunch break? Sure.</p> <p>15 A It would -- it would be ideal if I could just</p> <p>16 go and grab a bite.</p> <p>17 Q That's fine.</p> <p>18 A If that's okay with you. I would take -- I'll</p> <p>19 be back at 1:15.</p> <p>20 MR. PRESTON: Okay. Let's go off the</p> <p>21 record.</p> <p>22 MR. WIENER: Thank you.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 THE OFFICER: Okay, we are now off the</p> <p>25 record at 12:14 p.m.</p> <p style="text-align: right;">Page 57</p>

<p>1 (Off the record.)</p> <p>2 THE OFFICER: Okay. We are back on the</p> <p>3 record at 1:15 p.m.</p> <p>4 BY MR. PRESTON:</p> <p>5 Q All right. So I'd like you to look at Exhibit</p> <p>6 11, which is an email from your counsel, and it's dated</p> <p>7 July 27, 2023, and it concerns a July -- if you look at</p> <p>8 the bottom there, there's a link to a box.com, and then</p> <p>9 there's an email exchange discussing, excuse me, the</p> <p>10 production. Did defendants produce new documents on</p> <p>11 July 20, 2023?</p> <p>12 (Exhibit 11 was marked for</p> <p>13 identification.)</p> <p>14 MR. WIENER: I'm going to object.</p> <p>15 There's no way he can recall the exact days that</p> <p>16 anything was produced.</p> <p>17 MR. PRESTON: Well, it's a</p> <p>18 20(b)(6) -- 30(b)(6) deposition about that specific</p> <p>19 issue.</p> <p>20 MR. WIENER: It's not about the specific</p> <p>21 issue of what date documents were produced. That's not</p> <p>22 a realistic expectation. If you have a document that</p> <p>23 shows whether documents were produced on a date, you can</p> <p>24 ask him. I mean, if he knows the answer, you can</p> <p>25 answer. I just don't think that's a --</p> <p style="text-align: right;">Page 58</p>	<p>1 doesn't make clear what --</p> <p>2 MR. PRESTON: No, I don't want to hear</p> <p>3 it. You can answer if you like. Your objections are</p> <p>4 reserved. That's fine.</p> <p>5 MR. WIENER: I'm going to instruct him</p> <p>6 not to answer. That question's stupid, for lack of a</p> <p>7 better word. I mean, you can ask him cogent questions,</p> <p>8 or I may end the deposition.</p> <p>9 MR. PRESTON: Based on -- you can do</p> <p>10 that, but he's going to answer some questions about when</p> <p>11 stuff was produced and whether it was complete or not.</p> <p>12 MR. WIENER: You're going to ask some</p> <p>13 cogent questions, or he is not going to be able to</p> <p>14 answer, Ethan.</p> <p>15 MR. PRESTON: The questions are fine.</p> <p>16 MR. WIENER: They're not fine.</p> <p>17 MR. PRESTON: I think you don't like --</p> <p>18 MR. WIENER: Asking him if a production's</p> <p>19 complete and not telling him what production you're</p> <p>20 referring to is wasting time.</p> <p>21 BY MR. PRESTON:</p> <p>22 Q Defendants' production as of July 2023, was</p> <p>23 that production complete?</p> <p>24 MR. WIENER: Objection. Vague and</p> <p>25 ambiguous. It's unintelligible what production you're</p> <p style="text-align: right;">Page 60</p>
<p>1 THE WITNESS: I think it is way too</p> <p>2 broad. I have no recollection.</p> <p>3 BY MR. PRESTON:</p> <p>4 Q Okay. So you don't recall if there were new</p> <p>5 documents produced on July 20, 2023?</p> <p>6 A Specifically on July 2023, specifically on</p> <p>7 that date, I have -- I -- I would have no idea, but I --</p> <p>8 I believe we have produced so many documents, and yes,</p> <p>9 we have produced everything that -- that needed to be</p> <p>10 produced.</p> <p>11 Q Okay. I want to point out the last answer</p> <p>12 took 36 seconds. Is it -- looking at this email, and</p> <p>13 it's dated July 27th, is it correct that the production</p> <p>14 is complete as of July --</p> <p>15 A Which one? Which one are you -- which one am</p> <p>16 I going to looking at?</p> <p>17 Q The same email we were talking before, Exhibit</p> <p>18 11.</p> <p>19 A But there are several in there.</p> <p>20 Q So the most recent. Look on page 1, where it</p> <p>21 says, "Confirmed for a third time."</p> <p>22 A Yes. The first -- first page. Okay.</p> <p>23 Q Yes. So was Defendants' document production</p> <p>24 complete as of July 27, 2023?</p> <p>25 MR. WIENER: I'm going to object that it</p> <p style="text-align: right;">Page 59</p>	<p>1 referring to.</p> <p>2 MR. PRESTON: All of Defendants'</p> <p>3 productions through that date.</p> <p>4 MR. WIENER: Objection. Same objection.</p> <p>5 BY MR. PRESTON:</p> <p>6 Q Was it complete as of July 2023?</p> <p>7 MR. WIENER: All right. Move on, Ethan.</p> <p>8 You're not going to keep on asking the same</p> <p>9 unintelligent question.</p> <p>10 MR. PRESTON: No, I think I need an</p> <p>11 answer.</p> <p>12 MR. WIENER: We're going to end the</p> <p>13 deposition if you're going to continue to badger the</p> <p>14 witness. And you can go to court and explain why you --</p> <p>15 don't open your mouth like that.</p> <p>16 MR. PRESTON: He hasn't actually answered</p> <p>17 the question. It's not an asked and answered. It's you</p> <p>18 objecting. You don't like the answer. You don't like</p> <p>19 what's being asked.</p> <p>20 MR. WIENER: Right.</p> <p>21 MR. PRESTON: That's not the same thing.</p> <p>22 Badgering --</p> <p>23 MR. WIENER: It's unintelligible, and</p> <p>24 you're not willing -- of course, if you're able to</p> <p>25 answer his question about what production was complete</p> <p style="text-align: right;">Page 61</p>

<p>1 without knowing what production it is, feel free.</p> <p>2 THE WITNESS: I have no idea. Well,</p> <p>3 how -- how am I going to answer this question?</p> <p>4 BY MR. PRESTON:</p> <p>5 Q Okay. Do you know why your counsel was saying</p> <p>6 that production was complete?</p> <p>7 MR. WIENER: Objection. Invades the</p> <p>8 attorney-client privilege and the attorney work product</p> <p>9 doctrine. I'm going to instruct the witness not answer.</p> <p>10 BY MR. PRESTON:</p> <p>11 Q Okay. Let's go to Exhibit 12, upload that.</p> <p>12 Exhibit 12 is a supplemental declaration that was filed</p> <p>13 on August 23, 2023, and it is ECF 94. Do you have it?</p> <p>14 (Exhibit 12 was marked for</p> <p>15 identification.)</p> <p>16 A I am just about opening it. Yes. Opened.</p> <p>17 Q Okay. Paragraph 2 concerns archived</p> <p>18 informations that were stored by CCCF and NBP. Was</p> <p>19 there any issue with searching for these archived</p> <p>20 emails?</p> <p>21 A Which one are you reading -- am I reading?</p> <p>22 What line?</p> <p>23 Q It's Line 13, Paragraph 2.</p> <p>24 A Okay. So what was the question again?</p> <p>25 Q Okay. So that response took 17 seconds. The</p> <p style="text-align: right;">Page 62</p>	<p>1 A Yes. We also searched Ishwinder Judge's</p> <p>2 accounts.</p> <p>3 Q And so the search was limited to your account</p> <p>4 and Ishwinder Judge's account?</p> <p>5 A That is correct.</p> <p>6 Q Okay. It then says, "The archived emails were</p> <p>7 first downloaded into an archived email folder and were</p> <p>8 then searched for relevant information." Why were these</p> <p>9 emails downloaded into an archived email folder?</p> <p>10 A Why were they downloaded?</p> <p>11 Q Why were they, yes.</p> <p>12 A How would we search for them if we don't</p> <p>13 down -- we had to get that information to search for it.</p> <p>14 Q Well, couldn't you search for them on the</p> <p>15 server, on your email server?</p> <p>16 A I don't know the answer to that. Probably, I</p> <p>17 mean, there could be a way. I do not know, but that's</p> <p>18 the way I did it.</p> <p>19 Q Okay. And you said "searched for relevant</p> <p>20 information." What do you mean by "relevant</p> <p>21 information" there?</p> <p>22 A What do I mean by "relevant information"?</p> <p>23 Q Yes, sir.</p> <p>24 A I believe whatever the email -- so I did</p> <p>25 the -- what -- for me, relevant information is searching</p> <p style="text-align: right;">Page 64</p>
<p>1 question is, did Defendants encounter any difficulty</p> <p>2 recovering and producing documents that were archived?</p> <p>3 MR. WIENER: And I'm going to instruct</p> <p>4 the witness not to answer any question after you say how</p> <p>5 long his last answer took. It's a waste of time. It's</p> <p>6 badgering and obnoxious. Stop doing it.</p> <p>7 MR. PRESTON: He's delaying. I'm sorry</p> <p>8 that you don't like somebody noticing that.</p> <p>9 MR. WIENER: No, he's not delaying. He's</p> <p>10 thinking about the question, which is entirely</p> <p>11 appropriate. If you're going to do a freaking countdown</p> <p>12 on how long every answer takes, we're going to end the</p> <p>13 deposition. That's not a proper tactic. It's harassing</p> <p>14 and obnoxious.</p> <p>15 BY MR. PRESTON:</p> <p>16 Q All right. Paragraph 3. It says you are the</p> <p>17 only person at CCCF and NBP who had any communications</p> <p>18 with Digital Media Solutions; is that correct?</p> <p>19 A Yes.</p> <p>20 Q Later on in Paragraph 3, it says all of your</p> <p>21 archived emails were searched. Were any other emails</p> <p>22 searched?</p> <p>23 A You mean my emails? Yes.</p> <p>24 Q Was any other person's email, any other email</p> <p>25 accounts searched?</p> <p style="text-align: right;">Page 63</p>	<p>1 by the name Kelly Pinn and DMS.</p> <p>2 Q Okay. And you did not search for Shiv Johar?</p> <p>3 A I don't recall at that point. At -- at that</p> <p>4 time, I did.</p> <p>5 Q Okay. Did you download all of your archived</p> <p>6 emails?</p> <p>7 A Did I download all of the archived emails? I</p> <p>8 downloaded the entire archive, yes.</p> <p>9 Q Okay. All right. So I'm going to upload</p> <p>10 another exhibit. Actually, two other exhibits.</p> <p>11 A Which one?</p> <p>12 Q So 13 and 14 are -- it's an email and then a</p> <p>13 spreadsheet of email headers that was attached to the</p> <p>14 first email. So Exhibit 13 is an email I sent to your</p> <p>15 counsel. Exhibit 14 is essentially a spreadsheet</p> <p>16 created out of the email headers that were attached to</p> <p>17 Exhibit 13.</p> <p>18 (Exhibits 13 and 14 were marked for</p> <p>19 identification.)</p> <p>20 A Which one do you want me to first open, 13 or</p> <p>21 14?</p> <p>22 Q Why don't you look at 14? I think that that's</p> <p>23 the best use of our time.</p> <p>24 A One second. Hold on. I'm not there. Okay.</p> <p>25 I have it open.</p> <p style="text-align: right;">Page 65</p>

<p>1 Q Okay. When did you learn that these emails 2 were missing from Defendants' production? 3 MR. WIENER: Objection. Assumes facts 4 not in evidence. 5 MR. PRESTON: I'll represent that these 6 emails were missing from Defendants' production. 7 MR. WIENER: Same objection. I don't 8 care for your representations. Also, was this 9 spreadsheet produced at any time? 10 MR. PRESTON: This is an exhibit. 11 Essentially, these are the -- it's an exhibit that was 12 prepared from documents that I gave to you. 13 MR. WIENER: All right. It's our 14 position that it operates as a waiver of the attorney 15 work product doctrine. 16 MR. PRESTON: Whatever. Sure, to the 17 extent that there's missing emails. 18 BY MR. PRESTON: 19 Q All right. So it's been 60 seconds since I've 20 asked my question, Mr. Engineer. 21 MR. WIENER: No, that's incorrect. You 22 continued to make statements, which he needs to listen 23 to. It hasn't been 60 seconds. You're just lying and 24 misrepresenting the record, and you waived the attorney 25 work product.</p> <p style="text-align: right;">Page 66</p>	<p>1 is interesting. 2 BY MR. PRESTON: 3 Q All right. Let's look at Exhibit 15. This is 4 an email from your counsel dated September 25, 2023. 5 I'm going to represent to you that that attachment 6 included, I think, some 52 emails. 7 (Exhibit 15 was marked for 8 identification.) 9 A I don't see any attachments. I just see an 10 email. 11 Q Correct. I just sent the email. I did not 12 include any attachments to that email. 13 A Okay. 14 Q So this is a production that was made in 15 September of 2023. Do you know if any of these emails 16 had been produced before? 17 MR. WIENER: Objection. You're not 18 showing the emails. There's absolutely no way he could 19 possibly cross-reference non-existent emails with a 20 prior production. 21 MR. PRESTON: Right. So it's a Rule 22 30(b)(6). He's supposed to know what the organization 23 knows. 24 MR. WIENER: Well, it -- Ethan, give me a 25 break. How is he supposed to reference it? If you want</p> <p style="text-align: right;">Page 68</p>
<p>1 MR. PRESTON: Seth, you are living in a 2 fantasy world. That's not waiver. That's preparing an 3 exhibit. Any waiver is limited to that exhibit. 4 MR. WIENER: No, it's not. 5 MR. PRESTON: I don't know what -- 6 MR. WIENER: You don't get to selectively 7 waive the attorney work product doctrine, and I'm 8 absolutely not living in a fantasy world that if you 9 continue to speak, he can't work on formulating an 10 answer. 11 MR. PRESTON: I'm responding to your 12 objections. You're obstructing this deposition. 13 MR. WIENER: I'm not obstructing 14 anything. I'm entitled to make objections, and I intend 15 to do so, and he's not going to be able to respond while 16 we're discussing the objections. So it has not been 60 17 seconds since you asked the question, because there was 18 a number of intervening objections. 19 MR. PRESTON: Your objections delay his 20 answer. I don't know what you want. 21 MR. WIENER: I want -- I'd like you to 22 make reasonable questions. That's it. I'm not going to 23 stop making objections to improper questions just so we 24 can speed things up for you. 25 MR. PRESTON: Your definition of improper</p> <p style="text-align: right;">Page 67</p>	<p>1 to show him each individual email -- 2 MR. PRESTON: It's what's produced when. 3 That's the point of this deposition. There's a court 4 order saying that. 5 MR. WIENER: You're not going to ask him 6 about emails without showing it to him. I'm going to 7 instruct him not to answer. If you're not willing to 8 show him the emails, it's not a fair question. 9 BY MR. PRESTON: 10 Q There are emails that you produced. Were 11 there new emails produced in September? 12 MR. WIENER: I'm going to instruct him 13 not to answer. You're not showing him what was produced 14 before and what was produced afterward. 15 MR. PRESTON: I don't think that's my 16 obligation. 17 MR. WIENER: That's absolutely your 18 obligation. It's on record. 19 MR. PRESTON: No, it's not. 20 MR. WIENER: He's supposed to remember 21 what 52 separate emails were produced on what date? 22 MR. PRESTON: Seth, this is going to go 23 in front of the judge. 24 MR. WIENER: Right. And I'll be glad to 25 explain to the judge that no human being could possibly</p> <p style="text-align: right;">Page 69</p>

<p>1 cross-reference emails if you're not going to show it to 2 him.</p> <p>3 MR. PRESTON: Right. But they're going 4 to -- he's supposed to know whether or not new emails 5 were produced in July or September.</p> <p>6 MR. WIENER: That's not one of the 7 discussion topics, and you need to show him the emails 8 for him to answer that.</p> <p>9 MR. PRESTON: I don't think I do. I 10 don't have to show him every document that's referenced 11 in a deposition.</p> <p>12 MR. WIENER: It's impossible for any 13 human being to recall whether 52 emails that you're not 14 showing him were previously produced. How can anyone do 15 that? That's not the point of a 30(b)(6) deposition.</p> <p>16 MR. PRESTON: I've heard enough. I'm 17 going to ask the question again.</p> <p>18 BY MR. PRESTON:</p> <p>19 Q Were any new documents produced in September 20 2023?</p> <p>21 A I believe every single document have 22 been -- whatever was requested, we've produced it.</p> <p>23 Q When did you produce every single document?</p> <p>24 A Well, I have no idea to when we produced. 25 There were lot of emails that were produced, so we've</p> <p style="text-align: right;">Page 70</p>	<p>1 MR. WIENER: I'm going to instruct him 2 not to answer. He was opening a document because you 3 refuse to show it to him on the screen. Show him every 4 document, going forward, on the screen, if you're going 5 to fault him for actually taking the time to open the 6 documents using Google Drive. That's freaking putrid, 7 Ethan. Show him the documents on the screen going 8 forward.</p> <p>9 MR. PRESTON: If you want to pretend your 10 client's -- it's fine. I can't stop you, but I'm going 11 to respond and I'm going to manage my deposition well. 12 All right.</p> <p>13 MR. WIENER: I'm going to instruct him 14 not to answer unless you're showing documents on the 15 screen. That's not right, what you just did. He's 16 taking the time to open a document using Google Drive, 17 which is a three-step process.</p> <p>18 MR. PRESTON: You're delaying this 19 deposition now.</p> <p>20 MR. WIENER: No, you're faulty, and 21 you're trying to create a sense that he's creating delay 22 opening documents that you're sending to him using 23 Google Drive. That's not right.</p> <p>24 MR. PRESTON: Thirty-six seconds.</p> <p>25 MR. WIENER: Fine. We're going to take a</p> <p style="text-align: right;">Page 72</p>
<p>1 produced them. I don't know when. I mean, I cannot go 2 back and recall exactly which date, what was produced, 3 but we've produced everything.</p> <p>4 Q Okay. I'm going to have you look at Exhibit 5 16. Exhibit 16 is one of the documents that was 6 produced by Defendants in September of 2023. Do you 7 have Exhibit 16 in front of you?</p> <p>8 (Exhibit 16 was marked for 9 identification.)</p> <p>10 A Not yet. I do.</p> <p>11 Q Okay. Do you see a table in the center of the 12 document?</p> <p>13 A Yes.</p> <p>14 Q Where is that table from?</p> <p>15 A I have no idea. I would -- if -- if I would 16 have to, I -- I would not like to guess, but it's 17 probably the DMS's portal.</p> <p>18 Q Okay. Let's go to another. All right. I've 19 uploaded Exhibit 18. Can you look at Exhibit 18?</p> <p>20 (Exhibit 18 was marked for 21 identification.)</p> <p>22 A I'm not there yet. I can't. One second. 23 Yes, I have it.</p> <p>24 Q Thirty-three seconds. All right. It says, 25 "We will have report alongside the" --</p> <p style="text-align: right;">Page 71</p>	<p>1 five-minute break, Ethan, and you can start conducting 2 yourself like a professional. I'm going off the record.</p> <p>3 MR. PRESTON: I think this is 4 professional. I think that you've coached your client 5 very well. I'm impressed. That's all.</p> <p>6 MR. WIENER: Ethan, shut up. You're 7 acting like an ass. I'm going off the record.</p> <p>8 THE OFFICER: Okay. We are now off the 9 record at 11 -- at 1:40 p.m.</p> <p>10 (Off the record.)</p> <p>11 THE OFFICER: Okay. We are now back on 12 the record at 1:44 p.m.</p> <p>13 BY MR. PRESTON:</p> <p>14 Q All right. So Exhibit 18 is an email that was 15 produced in September 2023 by the defendants. The first 16 sentence says, "We will have the report alongside the 17 avatar and live calls on the Google spreadsheet 18 shortly." What is "the avatar"?</p> <p>19 A I think avatar is what DMS categorize their 20 calls on the way they were doing their marketing.</p> <p>21 Q What category was the avatar?</p> <p>22 A I have no idea. It is a DMS thing that they 23 did.</p> <p>24 Q But it's your email. What did you mean when 25 you said "avatar"?</p> <p style="text-align: right;">Page 73</p>

1 A It's the calls that they were sending.
 2 Q But they also sent live calls. So what's the
 3 distinction between avatar and live calls?
 4 A I think they were the same. It was just two
 5 different, I think, ways that they were doing it.
 6 Q What was different about them?
 7 A I don't think there was anything. I don't
 8 recall anything being different.
 9 Q So why did you use two different phrases to
 10 describe these calls?
 11 A Well, I don't recall. I think it is what they
 12 categorized them different. They categorized it, and
 13 that's what we were following, because it's their thing,
 14 not ours. They're sending the calls.
 15 Q So you had no way to distinguish between what
 16 was an avatar call and what was a live call?
 17 A Say that -- repeat that question again. I
 18 couldn't -- I -- I didn't get that question.
 19 Q You had no way to distinguish between what was
 20 an avatar call and what was a live call?
 21 A I believe that they were coming in on the same
 22 lines, but for some reason, they had us distinguish
 23 those two.
 24 Q Is a live call somebody where there's a live
 25 telemarketer on the line?

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1 A I don't know when he keeps saying
 2 "telemarketer." Who is a telemarketer?
 3 Q Okay. It references a Google spreadsheet.
 4 Where is that Google spreadsheet? Has that Google
 5 spreadsheet been produced?
 6 A It's DMS. DMS has that. They are the ones.
 7 Q So you were able to add data to the Google
 8 spreadsheet?
 9 A Yes.
 10 Q Do you have access to the Google spreadsheet?
 11 A I don't think so. They -- they have taken
 12 everything away.
 13 Q Did you have access to the Google spreadsheet
 14 in July 2022?
 15 A I don't think so. I don't -- I don't remember
 16 back -- going back to July '22.
 17 Q Okay. All right. So let's look at Exhibit
 18 20. Do you have that in front of you?
 19 (Exhibit 20 was marked for
 20 identification.)
 21 A No, not yet. Yes, I have it open.
 22 Q All right. There's an email address here.
 23 "trinhn@cccfsa.org." Do you recognize that email
 24 address?
 25 A I do.

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1 Q Who is that?
 2 A That is our accounting person.
 3 Q Is she a CCCF employee?
 4 A On a part-time, yes.
 5 Q Okay. Going to add another exhibit. Exhibit
 6 21. Do you have exhibit 21 in front of you?
 7 (Exhibit 21 was marked for
 8 identification.)
 9 A Not yet. One second. I do.
 10 Q Okay. So this is an email that was also
 11 produced in September 2023. There's an attachment,
 12 which is an Excel spreadsheet. What is a "live
 13 transfer"? It says, "38 live transfers."
 14 A They're just -- I think they -- DMS
 15 distinguished these, so that these are the -- but you
 16 asked me the last time too. I think they're the ones
 17 that did these categories. All, live transfer, the down
 18 sells, and then the double verified. It was all DMS.
 19 Q Do you know how -- well, how did you
 20 categorize something as a live transfer?
 21 A I did -- I did not. They did.
 22 Q Okay. What is a "down sell"?
 23 A I have no idea. It's a DMS categorization.
 24 Q Okay. What's a "double verified"?
 25 A I would have no idea.

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1 Q Okay. So looking at this spreadsheet, where
 2 did this data come from?
 3 A I don't see the spreadsheet.
 4 Q Keep strolling down.
 5 A Oh, okay. Yeah, I do see it. What was the
 6 question now?
 7 Q Where did this data come from?
 8 A This would also have to be from the DMS portal
 9 that sent those calls to us.
 10 Q Okay. So how did you get this data?
 11 A From DMS.
 12 Q Okay. There's a column that says C-L-I-D. Do
 13 you recognize that column?
 14 A It's probably something that they -- DMS did.
 15 Q Okay, let's get document -- so I've uploaded
 16 Document 22. If you'll look below, it's a email chain
 17 and one of your emails is sent on August 3, 2021 at
 18 11:23 a.m.
 19 (Exhibit 22 was marked for
 20 identification.)
 21 A Can I -- I don't know where it -- there's so
 22 many in this. One second. Which?
 23 Q You know what? I can probably --
 24 A Can you tell me?
 25 Q So it's document -- it's the new exhibit.

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<p>1 It's Document 22.</p> <p>2 A No, I'm on Document 22.</p> <p>3 Q Okay. So what I'm going to do, I'm going to</p> <p>4 share the screen. Can you see the screen now? No, you</p> <p>5 can't. Here, let's try this. Can you see the screen</p> <p>6 now?</p> <p>7 A No, I don't see. I only see mine.</p> <p>8 MR. WIENER: I can see it now.</p> <p>9 THE WITNESS: I do. I do see it now.</p> <p>10 BY MR. PRESTON:</p> <p>11 Q Okay. So I've highlighted a sentence. It's</p> <p>12 an email chain from you. It says, "Please send me</p> <p>13 portal information, et cetera, once the campaign is set</p> <p>14 from your end." What portal information are you</p> <p>15 referring to?</p> <p>16 A That's the same thing we've been talking about</p> <p>17 this whole time, that -- the DMS Excel portal that</p> <p>18 they -- that they host, that they have.</p> <p>19 Q Okay. Okay. And it says -- what's the</p> <p>20 "portal information"? Is that a login and a password?</p> <p>21 A Either it's a login. I -- I think it -- it</p> <p>22 was so long back. I don't remember if it was a login or</p> <p>23 a password. I -- I don't -- it was an Excel-type kind</p> <p>24 of a portal. So you -- I think it was done through</p> <p>25 either Google or somehow that they gave us access to it.</p> <p style="text-align: right;">Page 78</p>	<p>1 BY MR. PRESTON:</p> <p>2 Q All right. We're in the home stretch.</p> <p>3 Mr. Engineer, I ask to look at Exhibit 20 again.</p> <p>4 A I have it open.</p> <p>5 Q Okay, excellent. If you have that open and</p> <p>6 you can zoom in, there are two screenshots. Or maybe</p> <p>7 they're not two. It's one screenshot, but there's two</p> <p>8 images. Do you recognize those images?</p> <p>9 A I can barely see these. I can -- too much. I</p> <p>10 could see them, but they're not very clear, but I could</p> <p>11 see them.</p> <p>12 Q Okay. Well, my question is, do you -- that</p> <p>13 obviously looks like, to me, a screenshot of a portal or</p> <p>14 something, and I'm wondering if you recognize that</p> <p>15 portal. Looks like a webpage, partial screenshot of a</p> <p>16 webpage.</p> <p>17 A I would have no idea what that -- if it's a</p> <p>18 portal or what, but it's from DMS for sure.</p> <p>19 Q Okay. Let's see where we're at. We're on 25.</p> <p>20 All right. All right. I'm going to upload Exhibit 25.</p> <p>21 It's "Defendants' Document Production CCCF 0002." Let</p> <p>22 me know when you have it open.</p> <p>23 (Exhibit 25 was marked for</p> <p>24 identification.)</p> <p>25 A I do.</p> <p style="text-align: right;">Page 80</p>
<p>1 Q Okay. When you say "et cetera," what does</p> <p>2 that mean?</p> <p>3 A What does "et cetera" mean?</p> <p>4 Q Yeah, in that sentence.</p> <p>5 A I have no idea. I mean, what -- what --</p> <p>6 Q All right. That's fine. It might not mean</p> <p>7 anything, and that would be an acceptable answer.</p> <p>8 A Do you still want me to answer it?</p> <p>9 Q Sure, if you like.</p> <p>10 A No, no. I -- I don't know what you -- what</p> <p>11 you wanted, so I'm just asking you.</p> <p>12 MR. PRESTON: Okay. Can we take a break</p> <p>13 for about five minutes?</p> <p>14 MR. WIENER: Sure.</p> <p>15 THE WITNESS: Oh, absolutely. I would</p> <p>16 love that.</p> <p>17 MR. PRESTON: Okay.</p> <p>18 THE WITNESS: Five minutes or ten</p> <p>19 minutes? It's one -- five minutes?</p> <p>20 THE OFFICER: We're now off the record at</p> <p>21 1:56.</p> <p>22 (Off the record.)</p> <p>23 THE OFFICER: We're now back on the</p> <p>24 record at 2:04 p.m.</p> <p>25 //</p> <p style="text-align: right;">Page 79</p>	<p>1 Q Okay. Do you recognize this document?</p> <p>2 A Yes.</p> <p>3 Q Okay. What is that?</p> <p>4 A It is the call record of the plaintiff.</p> <p>5 Q Is this a screenshot of CreditSoft?</p> <p>6 A Yes. This is a system from where this</p> <p>7 information goes into CreditSoft, yes.</p> <p>8 Q Okay. Do you see the boxes at the very end?</p> <p>9 There's these boxes of text with the word "view" next to</p> <p>10 them, and there's a "date created" on the other side.</p> <p>11 A Yes.</p> <p>12 Q Okay. If you look at the very bottom of the</p> <p>13 last box at the bottom, do you see the text, "As I went</p> <p>14 back to the question"?</p> <p>15 A Sorry?</p> <p>16 Q So the bottom box, the third box at the very</p> <p>17 bottom. Do you see the very last sentence? It says,</p> <p>18 "As I went back to the question"?</p> <p>19 A Yes, I do. I see it.</p> <p>20 Q Okay. That sentence has been cut off, isn't</p> <p>21 that right?</p> <p>22 A I -- I wouldn't know if it's cut off or that's</p> <p>23 the final without a period. I would have -- I -- I</p> <p>24 wouldn't know. It just --</p> <p>25 Q So you can't tell if that -- well, "As I went</p> <p style="text-align: right;">Page 81</p>


<p>1 back to the question," is that a complete sentence?</p> <p>2 A Again, I wouldn't know if it is or not. It's</p> <p>3 missing a period. So maybe it's -- they forgot to put a</p> <p>4 period, but -- or I don't know.</p> <p>5 Q Okay. All right. So we're going to upload a</p> <p>6 few more documents. Some of these documents are</p> <p>7 important for the record, but I don't necessarily need</p> <p>8 to ask you about them. Today, I received a zip file</p> <p>9 from your counsel.</p> <p>10 A You're getting cut off. I can't hear you.</p> <p>11 Q Sorry. I didn't complete the sentence. I</p> <p>12 received a set of documents from your counsel today in</p> <p>13 an email titled, "Skype Files Native Format." Did you</p> <p>14 produce your Skype account today?</p> <p>15 A Yes.</p> <p>16 Q Okay. How did you do that?</p> <p>17 A Oh boy. That was one aruduous task, and I'm</p> <p>18 sure you know about it, because it -- it is just</p> <p>19 something -- I don't know how the Skype does it, because</p> <p>20 you had to go into Command Prompt. And I'm sure</p> <p>21 you -- if you've done it, you -- you know it.</p> <p>22 The -- the instructions are not as easy</p> <p>23 to -- we gave -- I had to, like, literally look it up on</p> <p>24 how to do this, because it required going into, like,</p> <p>25 Command Prompt and typing in commands to extract this</p> <p style="text-align: right;">Page 82</p>	<p>1 part of the document that said what you have to do. It</p> <p>2 is in Skype's instructions on going into Command Prompt,</p> <p>3 and then you had to type in these commands to kind of do</p> <p>4 all that. It was super complicated, but I managed to</p> <p>5 finally do it.</p> <p>6 I followed these instructions, but if you</p> <p>7 don't type these commands correctly, there is no way you</p> <p>8 could -- you could get that. And that was what was</p> <p>9 arduous in terms of getting that file, and, just, Skype</p> <p>10 makes it very, very hard to do that. Not being able to</p> <p>11 differentiate it, it was extremely hard to export it.</p> <p>12 But then after you export it, then you have to</p> <p>13 extract it, before which you have to go into this</p> <p>14 Command Prompt and literally type these commands. And</p> <p>15 if you don't type them correctly, you're not going to</p> <p>16 get them. But anyways.</p> <p>17 Q Okay. Hold on. I need to -- sorry, your</p> <p>18 question is -- excuse me, a little bit of delay. So I'm</p> <p>19 going to upload. We're going to designate it as Exhibit</p> <p>20 29A. This is a screenshot of a Microsoft website. Let</p> <p>21 me know when you have Exhibit 29A.</p> <p>22 (Exhibit 29A was marked for</p> <p>23 identification.)</p> <p>24 A I do.</p> <p>25 Q Okay. Can you open that up?</p> <p style="text-align: right;">Page 84</p>
<p>1 T-A-R file. And, oh boy, it -- it just was something</p> <p>2 that we couldn't do it.</p> <p>3 And then I finally spent so much time to just</p> <p>4 figure out how to do this T-A-R file, and I was able to</p> <p>5 finally do it. It took a little bit of time, but I did</p> <p>6 it.</p> <p>7 MR. WIENER: Ethan, I also want to note</p> <p>8 for the record that it contains personal files as well.</p> <p>9 We don't have a way of segregating them.</p> <p>10 THE WITNESS: Oh, that's another thing</p> <p>11 that we tried so hard, but Skype has no way to</p> <p>12 differentiate your personal -- I mean, your other stuff</p> <p>13 with whatever was requested. But we tried, tried, tried</p> <p>14 to kind of pull that information out, but there is no</p> <p>15 way.</p> <p>16 The T-A-R file is just one lumps file</p> <p>17 that has everything in it, including my personal</p> <p>18 information in it. It has everything that I have, but I</p> <p>19 just -- I was finally able to do it, because it was just</p> <p>20 very, very complicated. It is not for any normal person</p> <p>21 to just go into Command Prompt and do all the stuff.</p> <p>22 BY MR. PRESTON:</p> <p>23 Q Okay. What was the Command Prompt that you</p> <p>24 used?</p> <p>25 A I don't really recall. It's all -- it was all</p> <p style="text-align: right;">Page 83</p>	<p>1 A I do. I have it open.</p> <p>2 Q Okay. Do you see what it says?</p> <p>3 A "How do I export or delete?"</p> <p>4 Q Yes.</p> <p>5 A Yes, I see it.</p> <p>6 Q Do you see the "Step 1: Sign into the export</p> <p>7 page with your Microsoft account"?</p> <p>8 A Yes.</p> <p>9 Q Did you do that?</p> <p>10 A Yes.</p> <p>11 Q Okay. And then after that, you downloaded it</p> <p>12 on the export page? You downloaded a copy of your</p> <p>13 export?</p> <p>14 A That is correct. And then you have to go</p> <p>15 into --</p> <p>16 Q Okay. Sorry. What did you say?</p> <p>17 A And then you have to go into this whole</p> <p>18 Command Prompt thing that I was talking about.</p> <p>19 Q To -- well, okay. So why? What did you need</p> <p>20 to do after downloading the export?</p> <p>21 A Why don't you just click on that export page?</p> <p>22 It guides you through it.</p> <p>23 Q Well, we don't have time for me to go through</p> <p>24 it right now, because we're going to --</p> <p>25 A That's exactly the instructions. Once you</p> <p style="text-align: right;">Page 85</p>

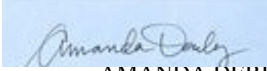
<p>1 click on the export page, it'll take you there. You log 2 in, and then you have to use Command Prompt to extract 3 the T-A-R file. And then after that, you got to go back 4 in and download this viewer. And then even in the 5 viewer, you have to then open it up with this special 6 file that will read the extracted Command Prompt file. 7 Q Okay. But you didn't need to use the viewer 8 to just simply export things. 9 A I'm sorry? 10 Q Did you need to use the viewer to export 11 things? 12 A No, you click on this export. Once you click 13 on this -- I could walk you through the whole process, 14 because I spent so much time on this. I'm, like -- but 15 if you click on that export page, it'll take you to a -- 16 where you download it, and then you have to go into 17 Command Prompt, and then you go into Command Prompt to 18 extract that file. 19 And then you go back in, and then you download 20 this viewer, because you cannot read the T-A-R file. 21 It's a special file. And then you need another viewer 22 that you got to download to view it. 23 Q Okay. So at the end of the situation, there's 24 a dot T-A-R file? 25 A That is correct.</p> <p style="text-align: right;">Page 86</p>	<p>1 issue was that the format in which we submitted was 2 requiring this native file of T-A-R. We submitted 3 everything when -- when it was requested, but to get to 4 this T-A-R file, that's what we are just talking about. 5 Q So I didn't receive anything from your Skype 6 folder or your Skype account until today. This was 7 requested in 2023. Can you explain why we didn't 8 receive anything from your Skype account until today? 9 A Everything was submitted. I have -- I'll have 10 to -- we literally were able to submit it, but I think 11 the problem was that the format in which it was 12 requested was the problem. But we submitted everything 13 from our end. Maybe Seth needs -- Seth might have to 14 take a look and see if there was some discrepancy in him 15 send -- forwarding it to you. 16 Q Okay. So you, you think that Seth might not 17 have -- he would've had it, but wasn't able to give it 18 to me until today? 19 A I do not know that. I'm just saying that 20 everything from our end was submitted, everything. 21 Q Okay. I know that some files were received 22 today. I guess my question is, when were the files 23 submitted? 24 MR. WIENER: And our discovery letters 25 had referenced that we produced the Skype files. It was</p> <p style="text-align: right;">Page 88</p>
<p>1 Q After the -- okay. Did you produce a dot 2 T-A-R file? 3 A I'm sorry. I just -- we -- we just sent it. 4 Q No. I didn't get a dot T-A-R file. I got a 5 collection of images and JSON files, dot J-S-O-N files. 6 A Well, that's why you need a viewer, that you 7 cannot just -- okay. That's the problem, that you need 8 the viewer to view the T-A-R file. You cannot just view 9 the T-A-R file, because they're JSON files, so you have 10 to download the viewer. 11 Q I understand. But that's my problem. I guess 12 my question is, can you just produce the T-A-R file? 13 A Sure. Absolutely. 14 Q Okay. Let's do that. Okay. So we had asked 15 for the Skype export previously, and I guess my question 16 is, when was the first time you attempted to export your 17 Skype account? 18 A When the first request was sent. I -- I don't 19 recall when, but whenever the request came in, and we 20 submitted everything that we could submit. 21 Q Okay. This was first requested probably in 22 July or August or September of 2023. And is your 23 testimony that you were unable to complete this process 24 until today? 25 A No. We submitted everything, but I guess the</p> <p style="text-align: right;">Page 87</p>	<p>1 a Word document, I believe, and it was, like, cut and 2 paste, but I do believe you got those. I don't know if 3 they were Bates stamped. 4 MR. PRESTON: I actually -- yeah, I don't 5 know that I ever got those, but in any event, I have 6 some documents now, and you guys are going to give me 7 the T-A-R file later on. So, you know, I don't know 8 that we need to belabor the point. 9 MR. WIENER: My only concern, again, is 10 that there's emails that are Skype communications that 11 clearly have no relevance, but we have no way of 12 segregating them. Essentially, you got far more today 13 than I would have ever produced, mainly just to do with 14 technological issues. 15 BY MR. PRESTON: 16 Q All right, so let's go to Exhibit 28. This is 17 a discovery letter that was submitted. 18 (Exhibit 28 was marked for 19 identification.) 20 A Which one? Which number? 21 Q Exhibit 28. And it's page 4. It is the 22 fourth email from the bottom. 23 A On -- on page four, there is no emails. 24 Q Sorry. It's the fourth paragraph 25 that's -- excuse me.</p> <p style="text-align: right;">Page 89</p>

<p>1 A On page four?</p> <p>2 Q Yes, sir.</p> <p>3 A Okay. I'm there. Which -- which paragraph is</p> <p>4 it? Can you -- if you tell me what it starts with --</p> <p>5 Q It's the fourth from the bottom. It says, "In</p> <p>6 response to Plaintiff's request."</p> <p>7 A Yes. Okay, got it.</p> <p>8 Q It says, "In response to Plaintiff's request,</p> <p>9 Defendants have searched the Skype accounts of</p> <p>10 custodians relevant to this case." Who are the</p> <p>11 custodians relevant to this case?</p> <p>12 A I wouldn't know who. I mean, it's probably</p> <p>13 DMS and who was involved, because that's the only people</p> <p>14 we communicated with.</p> <p>15 Q Well, I think what -- the way I understood</p> <p>16 that sentence is that you searched the Skype accounts of</p> <p>17 the CCCF employees which were relevant to this case.</p> <p>18 And so my question is, which CCCF employees were their</p> <p>19 Skype accounts were searched?</p> <p>20 A There is no -- the CCC -- no CCCF employees</p> <p>21 have Skype accounts. The Skype account was just me</p> <p>22 communicating with DMS, and you see that in the</p> <p>23 production that we have sent. We -- we've sent that,</p> <p>24 all of those -- all of those Skype accounts.</p> <p>25 Q I'm sorry, did you say you had searched all</p> <p style="text-align: right;">Page 90</p>	<p>1 A I see it.</p> <p>2 Q Okay. What is this Excel file?</p> <p>3 A So I believe we had submitted an -- a PDF, but</p> <p>4 the request was that we needed it again in the native</p> <p>5 format with all the data that was requested. So we</p> <p>6 again went back in. I had to learn how to do this,</p> <p>7 export into this Excel format with all of the data that</p> <p>8 we had from DMS that came into our system.</p> <p>9 Q Okay. If you can scroll down, are these</p> <p>10 records of calls that were made?</p> <p>11 A I'm sorry? Records of calls?</p> <p>12 Q Right. It says "call records."</p> <p>13 A Where? Which -- which line are you seeing</p> <p>14 call records?</p> <p>15 Q So if you look at the first page, it says,</p> <p>16 "Subject: Excel copy of DMS call records."</p> <p>17 A I didn't type that.</p> <p>18 Q Then you turn -- I'm sorry?</p> <p>19 A I did not type that email.</p> <p>20 Q I understand. So my question is, are these</p> <p>21 call records?</p> <p>22 A Call records? I wouldn't particularly call</p> <p>23 them "call records." They are all our records of all</p> <p>24 the clients that CCCF has from DMS.</p> <p>25 Q Okay. So they're just a list of clients.</p> <p style="text-align: right;">Page 92</p>
<p>1 the Skype accounts?</p> <p>2 A No, I said we've submitted all our Skype chats</p> <p>3 or whatever that was requested with DMS. Everything has</p> <p>4 been submitted.</p> <p>5 Q Okay. Exhibit 29, is a email from your</p> <p>6 counsel and it attaches four exhibits, four emails.</p> <p>7 (Exhibit 29 was marked for</p> <p>8 identification.)</p> <p>9 A Twenty-nine or Twenty-nine A?</p> <p>10 Q Twenty-nine.</p> <p>11 A Twenty-nine. Okay. I have it open.</p> <p>12 Q And it had four emails attached to that email.</p> <p>13 Do you know if any of these documents had been produced</p> <p>14 prior to July 8, 2024?</p> <p>15 A I wouldn't know specifically if these were</p> <p>16 produced, but everything was produced. And again, this</p> <p>17 might be with something where we produced it, and there</p> <p>18 was -- everything, Seth had it, and then we forwarded it</p> <p>19 to Seth.</p> <p>20 Q Okay. So I'm going to add another exhibit.</p> <p>21 It's Exhibit 30. And this is also a email from your</p> <p>22 counsel yesterday. The subject is called, "Excel copy</p> <p>23 of DMS call records."</p> <p>24 (Exhibit 30 was marked for</p> <p>25 identification.)</p> <p style="text-align: right;">Page 91</p>	<p>1 It's not necessarily a list of call records.</p> <p>2 A I don't know what the difference would be</p> <p>3 between clients. I -- I don't know. I cannot -- I don't</p> <p>4 know what the --</p> <p>5 Q Well, a client would be, you know, a name and</p> <p>6 an address, where a call record would be the date and</p> <p>7 time of the call and the numbers that were involved, the</p> <p>8 outgoing number that made the call and the incoming</p> <p>9 number, the recipient call number.</p> <p>10 A We never made any calls, so we only take the</p> <p>11 calls, so we wouldn't have that information.</p> <p>12 Q Sure. But Shiv Johar made calls?</p> <p>13 A I don't -- I -- I don't know that.</p> <p>14 Q How did he transfer calls to you if he did not</p> <p>15 make the calls?</p> <p>16 A I -- calls are only transferred by DMS.</p> <p>17 Q Well, if you asked DMS, they would tell you</p> <p>18 that it's just people using their system, and it's Shiv</p> <p>19 Johar transferring the call.</p> <p>20 A I don't -- I don't know that that's DMS's</p> <p>21 take, but I wouldn't know that.</p> <p>22 Q All right. So if you look at page 2, at the</p> <p>23 very top line, there's a number of columns, and there's</p> <p>24 identifiers to the column. The first column is "lead</p> <p>25 number." What is a "lead number"?</p> <p style="text-align: right;">Page 93</p>

<p>1 A That's the number that gets assigned in our 2 system.</p> <p>3 Q Which system?</p> <p>4 A CreditSoft.</p> <p>5 Q Okay. What is a "lead"?</p> <p>6 A A "lead"?</p> <p>7 Q Yes.</p> <p>8 A I would say a lead is any potential person 9 that calls in to request our help for help. We have to 10 intake them, and that's it. Automatically, when you 11 create a entry into the system, it creates a ID number, 12 a primary kind of identifier or something.</p> <p>13 Q Okay. Sure. The third column says, "Date 14 export to OES." What is that?</p> <p>15 A It's just the intake system, and then it comes 16 into CreditSoft. So that's where it actually goes in, 17 into CreditSoft system.</p> <p>18 Q I'm not sure I understand. What is --</p> <p>19 A So I expect, during the first -- like, there's 20 a lot of -- the whole budget analysis that we have to 21 do, and the whole counselor that -- what -- whatever 22 they do, they have to -- they take it, and they have to 23 input all of that information.</p> <p>24 So that's where we have to export this client 25 in, and then we do this whole budget analysis counseling</p> <p style="text-align: right;">Page 94</p>	<p>1 Q So these are documents you've produced. 2 They're organization charts.</p> <p>3 A I haven't seen that yet. One second.</p> <p>4 Q Yeah. It's Exhibit 31. 5 (Exhibit 31 was marked for 6 identification.)</p> <p>7 A Okay. I have it.</p> <p>8 Q So looking at page 1, is this a complete list 9 of all CCCF'S employees?</p> <p>10 A When it was produced, yes.</p> <p>11 Q Okay. Are there other employees?</p> <p>12 A Recently, they've added a few more, very 13 recently.</p> <p>14 Q Okay. Like, estimate how long.</p> <p>15 A How long did we add employees?</p> <p>16 Q Yeah, since they've been added.</p> <p>17 A I would say a couple months.</p> <p>18 Q Okay. So I'm going to send up another 19 document. So we're looking at Exhibit 32. Do you 20 recognize -- the first five entries in this exhibit are 21 email addresses. Do you recognize any of these email 22 addresses?</p> <p>23 (Exhibit 32 was marked for 24 identification.)</p> <p>25 A I do not recognize the first one. I do</p> <p style="text-align: right;">Page 96</p>
<p>1 to kind of go through their financial picture, to kind 2 of see what their income, their expense, all of that.</p> <p>3 Q Okay. So it's exported to CreditSoft, is that 4 right?</p> <p>5 A Correct. It's -- it's built in. It's all 6 built in.</p> <p>7 Q What is it exported from?</p> <p>8 A It's just an -- it's just a -- it's not 9 exported from -- it's just like an API that you -- kind 10 of, it goes into that system. It goes into and merges 11 it into CreditSoft, goes into CreditSoft.</p> <p>12 Q Okay. So API, what is that?</p> <p>13 A It's just the data moves from one column into 14 another column to be able to do more detailed stuff in 15 CreditSoft.</p> <p>16 Q Okay. So it's all within CreditSoft?</p> <p>17 A Correct.</p> <p>18 Q Okay. What is "OES"?</p> <p>19 A It's just a way of telling the API to move 20 this client in. It's -- we just call it that. There's 21 no name for it.</p> <p>22 Q I'm going to upload another couple of 23 documents. So this is Document -- it's CCCF 29, 239, 24 and 264.</p> <p>25 A I'm sorry.</p> <p style="text-align: right;">Page 95</p>	<p>1 recognize the second one.</p> <p>2 Q Who is that?</p> <p>3 A Michael helps us with our state licensing.</p> <p>4 Q Your -- sorry. Your state licensing?</p> <p>5 A Yeah. So we are -- we have to be licensed and 6 in -- in every state that we do business in, and 7 requires a lot of documentation from our end. And so 8 it's basically doing state -- every single state filing. 9 We have to be bonded, licensed and bonded in the states 10 that we do business in.</p> <p>11 Q Okay. So he does regulatory stuff?</p> <p>12 A Correct.</p> <p>13 Q Okay. Is he a full-time employee?</p> <p>14 A No.</p> <p>15 Q Okay. Is he an attorney?</p> <p>16 A No.</p> <p>17 Q Okay. Who is Tom H.?</p> <p>18 A Tom H. is -- he -- he helps us with our -- you 19 know, whenever we have CreditSoft issues, he would come 20 in on a part-time and help us with consulting on IT 21 stuff, and I can't do it.</p> <p>22 Q Okay. So it's stuff that you can't do. Okay. 23 The next entry, do you recognize that email address?</p> <p>24 A I do not.</p> <p>25 Q How about the next one, Nick A.?</p> <p style="text-align: right;">Page 97</p>

<p>1 A Yes, I do. 2 Q Who is that? 3 A We've added him recently. 4 Q Okay. About how recently? 5 A I wouldn't know. 6 Q Two months? 7 A I -- I wouldn't know. I wouldn't know. 8 I -- I don't want to guess. 9 Q Okay. Ashley A.? 10 A No, no, not at all. 11 Q So I'm going to go through the list of names 12 next. I may mispronounce some of these, and I don't 13 mean to offend anybody, but I'm going to do my best. Do 14 you know who Pravesh Chopra is? 15 A I do -- I do know. I do know him, but he's 16 not part of CCCF. 17 Q How do you know him? 18 A He is partners with Ishwinder Judge in 19 franchise restaurants. 20 Q Okay. Kulwant Sran? 21 A Kulwant, Alope, and Sandeep, I know all three 22 of them because they're on the board. 23 Q Whose board? 24 A CCCF's board of directors. 25 Q Okay. Geetika Walia?</p> <p style="text-align: right;">Page 98</p>	<p>1 what I do. 2 Q Sure, sure. Am I pronouncing it right, 3 Faravahar? 4 A Yes. 5 Q Okay. Thank you. Are you doing any work for 6 Faravahar? Does, does Faravahar have any other clients 7 right now? 8 A No. 9 Q Is CCCF a client of Faravahar? 10 A No, I don't -- I don't -- I -- I -- no, I 11 don't think so. 12 Q Well -- 13 A Actually, I take that back, because 14 CCCF -- there are -- there is stuff that, yes, 15 that -- that I would have to retrieve that back and make 16 that correction, that CCCF could have -- I could have 17 done work for CCCF other than my stuff. Yes. 18 Q Is that contract operative today? 19 A I believe so. 20 Q Does Faravahar receive income under that 21 contract? 22 A I don't know. I'll have to look at that. I 23 don't -- I haven't done that, so -- but it's just -- 24 I'll have to look at it. 25 Q Okay. What is RJC?</p> <p style="text-align: right;">Page 100</p>
<p>1 A Yes, I know her as well. 2 Q Who is she? 3 A She used to be the past president when I was 4 employed at National Budget Planners. 5 Q Okay. Layne Jensen? 6 A She used to be on the board of CC -- of 7 National Budget Planners. 8 Q Okay. Alka Puri? 9 A She was also on the board of National Budget 10 Planners when I worked for National Budget Planners. 11 Q Sanjeev Kanwar? 12 A He is the president for National Budget 13 Planners. 14 Q Okay. Faravahar, Incorporated? 15 A That -- that is -- I -- I recognize that too. 16 Q What is that? 17 A It's -- it's me, my company. 18 Q What does that company do? 19 A Consulting. 20 Q What kind of consulting? 21 A I've been in the -- been doing credit 22 counseling for 24 years. So I consult with -- with 23 people who -- who need or want -- have questions about 24 anything to do with debt, credit counseling. Knowing 25 the vast experience that I've had for 24 years, that's</p> <p style="text-align: right;">Page 99</p>	<p>1 A That's the franchise restaurants. 2 Q Okay. All right. It's the last one. So 3 these are documents that were produced to us in response 4 to, I think it's RPD 8. 5 A Sorry. What am I -- what -- which document 6 did you want me to look? 7 Q So I've just uploaded it. It's Exhibit 33. 8 It's documents that were produced to us in response to 9 RPD 8. It's essentially payroll records for Larissa 10 Brodsky. 11 (Exhibit 33 was marked for 12 identification.) 13 A I have it open. 14 Q Okay. So I'm going to tell you that this sort 15 of only covers a period in 2022. It only goes through 16 July 2022. When was Ms. Brodsky hired? 17 A I wouldn't know off the top of my head. 18 MR. WIENER: I'm going to object to the 19 testimony, unless you want to agree that this remains 20 confidential. 21 MR. PRESTON: Oh, yeah. No. This can be 22 confidential. 23 MR. WIENER: All right. 24 (Nonconfidential portion of transcript 25 ends.)</p> <p style="text-align: right;">Page 101</p>

<p>1 we are a very small nonprofit organization, and -- and</p> <p>2 we do some great work in our community. We help so many</p> <p>3 clients across the nation with what our services is,</p> <p>4 what we do.</p> <p>5 You know, it just has been very, very hard for</p> <p>6 us, with the limited resources we have, to -- to do all</p> <p>7 the stuff that, you know, has been requested. We've</p> <p>8 done our best to do whatever we can from our end to</p> <p>9 produce them.</p> <p>10 Q All right. And there was a issue raised about</p> <p>11 audio recordings not being retained. Why were audio</p> <p>12 recordings not retained?</p> <p>13 A Well, that's again to do with our, you know,</p> <p>14 being a nonprofit credit counseling organization. You</p> <p>15 know, we have limited capacities on how much we can do.</p> <p>16 So we -- the purposes for -- of the recordings are</p> <p>17 literally just to help our counselors get better. And</p> <p>18 so those recordings get overwritten after 60 days.</p> <p>19 We would have to buy enormous amount and</p> <p>20 spend, like, enormous amount of money in terms of</p> <p>21 storage to keep every single 180-minute counseling</p> <p>22 session on record. I mean, that would just take a whole</p> <p>23 data center or something, and we don't have the</p> <p>24 resources to do any of that. I mean, that's the sole</p> <p>25 reason why we have these policies, to help us.</p> <p style="text-align: right;">Page 110</p>	<p>1 MR. WIENER: Yeah, I don't think I need</p> <p>2 the exhibits. That was already produced. but --</p> <p>3 THE OFFICER: Okay. That'll work. I</p> <p>4 won't attach it. Okay. Thank you. So that's it for me</p> <p>5 as well, and we are off the record at 3:13 p.m.</p> <p>6 (Signature reserved.)</p> <p>7 (Whereupon, at 3:13 p.m., the proceeding</p> <p>8 was concluded.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 112</p>
<p>1 Q All right. And we produced an Excel</p> <p>2 spreadsheet yesterday of DMS leads. Do you recall that?</p> <p>3 A Yes.</p> <p>4 Q What was the source of those leads?</p> <p>5 A They were all from our CreditSoft CRM</p> <p>6 database.</p> <p>7 Q All right. And does that include all the</p> <p>8 fields of information on the CreditSoft management</p> <p>9 software database?</p> <p>10 A Yes.</p> <p>11 Q All right. And does that list represent all</p> <p>12 the leads that were sent to you by DMS?</p> <p>13 A Yes.</p> <p>14 Q Does it include live transfers?</p> <p>15 A It includes everything we got from DMS.</p> <p>16 MR. WIENER: All right. Thank you.</p> <p>17 Nothing further.</p> <p>18 THE WITNESS: Okay.</p> <p>19 THE OFFICER: Okay. I don't have any</p> <p>20 spellings or anything. I don't believe so. I just want</p> <p>21 to see if, Mr. Wiener, did you want to order the</p> <p>22 transcript?</p> <p>23 MR. PRESTON: Yes, I would.</p> <p>24 THE OFFICER: Okay. And then the read</p> <p>25 and sign will go to you as well?</p> <p style="text-align: right;">Page 111</p>	<p>1 CERTIFICATE OF DEPOSITION OFFICER</p> <p>2 I, FERNANDO PADILLA, the officer before whom</p> <p>3 the foregoing proceedings were taken, do hereby certify</p> <p>4 that any witness(es) in the foregoing proceedings, prior</p> <p>5 to testifying, were duly sworn; that the proceedings</p> <p>6 were recorded by me and thereafter reduced to</p> <p>7 typewriting by a qualified transcriptionist; that said</p> <p>8 digital audio recording of said proceedings are a true</p> <p>9 and accurate record to the best of my knowledge, skills,</p> <p>10 and ability; that I am neither counsel for, related to,</p> <p>11 nor employed by any of the parties to the action in</p> <p>12 which this was taken; and, further, that I am not a</p> <p>13 relative or employee of any counsel or attorney employed</p> <p>14 by the parties hereto, nor financially or otherwise</p> <p>15 interested in the c</p> <p>16 </p> <p>17 FERNANDO PADILLA</p> <p>18 Notary Public in and for the</p> <p>19 State of California</p> <p>20</p> <p>21 [X] Review of the transcript was requested.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 113</p>

<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, AMANDA DERBY, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio recording</p> <p>4 of the foregoing proceeding, that said transcript is a</p> <p>5 true and accurate record of the proceedings to the best</p> <p>6 of my knowledge, skills, and ability; that I am neither</p> <p>7 counsel for, related to, nor employed by any of the</p> <p>8 parties to the action in which this was taken; and,</p> <p>9 further, that I am not a relative or employee of any</p> <p>10 counsel or attorney employed by the parties hereto, nor</p> <p>11 financially or otherwise interested in the outcome of</p> <p>12 this action.</p> <p>13</p> <p>14 </p> <p>15 AMANDA DERBY</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 114</p>	<p>1 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>2 Porus Engineer 6788338</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Porus Engineer, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Porus Engineer Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 116</p>
<p>1 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>2 Porus Engineer Job No. 6788338</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE _____ LINE _____ CHANGE _____</p> <p>5 _____</p> <p>6 REASON _____</p> <p>7 PAGE _____ LINE _____ CHANGE _____</p> <p>8 _____</p> <p>9 REASON _____</p> <p>10 PAGE _____ LINE _____ CHANGE _____</p> <p>11 _____</p> <p>12 REASON _____</p> <p>13 PAGE _____ LINE _____ CHANGE _____</p> <p>14 _____</p> <p>15 REASON _____</p> <p>16 PAGE _____ LINE _____ CHANGE _____</p> <p>17 _____</p> <p>18 REASON _____</p> <p>19 PAGE _____ LINE _____ CHANGE _____</p> <p>20 _____</p> <p>21 REASON _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Porus Engineer Date</p> <p>25</p> <p style="text-align: right;">Page 115</p>	<p>1 seth@sethwienerlaw.com</p> <p>2 July 28, 2024</p> <p>3 Pinn, Kelly, Et Al. v. Consumer Credit Consulting, Et Al.</p> <p>4 DEPOSITION OF: Porus Engineer 6788338</p> <p>5 The above-referenced witness transcript is</p> <p>6 available for read and sign.</p> <p>7 Within the applicable timeframe, the witness</p> <p>8 should read the testimony to verify its accuracy. If</p> <p>9 there are any changes, the witness should note those</p> <p>10 on the attached Errata Sheet.</p> <p>11 The witness should sign and notarize the</p> <p>12 attached Errata pages and return to Veritext at</p> <p>13 errata-tx@veritext.com.</p> <p>14 According to applicable rules or agreements, if</p> <p>15 the witness fails to do so within the time allotted,</p> <p>16 a certified copy of the transcript may be used as if</p> <p>17 signed.</p> <p>18 Yours,</p> <p>19 Veritext Legal Solutions</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 117</p>